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PROTOCOLS OF CONFERENCES

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LONDON

RELATIVE TO THE

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AFFAIRS OF DENMARK.

Presented to both Houses of Parliament by Command of Her Majesty.
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Protocols of Conferences held in London relative to the Affairs of Denmark.

Protocole d'une Conférence tenue à Londres dans Downing Street, le 20 Avril, 1864.

Présents:

MM. les Plénipotentiaires du Danemark;
M. le Plénipotentiaire de France;
MM. les Plénipotentiaires de la Grande Bretagne;
M. le Plénipotentiaire de Russie;
M. le Plénipotentiaire de Suède et Norvège.

M. LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères a pris la parole pour constater que la Conférence, annoncée pour le 20 Avril, était ouverte.

Il a fait part ensuite à MM. les Plénipotentiaires des motifs qui avaient empêché M. le Plénipotentiaire de la Confédération Germanique de se rendre à Londres pour l'ouverture de la Conférence.

A la suite de cette communication, il a donné lecture des lettres, annexées sub litt. A et B, par lesquelles MM. les Ambassadeurs de l'Autriche et de la Prusse motivent leur absence par celle du Représentant de la Confédération Germanique.

Les Plénipotentiaires du Danemark, de la France, de la Grande Bretagne, de la Russie, et de Suède et Norvège, prenant ces circonstances en considération, décident, qu'après avoir constaté l'ouverture de la Conférence, il convient de différer l'examen des questions devant former l'objet de leurs délibérations, jusqu'au moment où MM. les Plénipotentiaires de l'Autriche, de la Prusse, et de la Confédération Germanique, se trouveront en mesure de prendre part à leurs travaux. Ils fixent en conséquence leur prochaine réunion au 25 de ce mois.

(Signé) G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
RUSSELL.
CLARENDON.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Annexe A au Protocole du 20 Avril.

Chandos House, le 19 Avril, 1864, minuit.

L'AMBASSADEUR d'Autriche présente ses compliments à M. le Comte Russell et a le regret d'informer son Excellence que conformément aux ordres qu'il vient de recevoir de Vienne à l'instant même, il ne pourra pas avoir l'honneur de se rendre demain à l'invitation d'assister à la première séance de la Conférence sur les affaires Danoises.

L'Ambassadeur de Prusse ayant reçu l'ordre positif de s'abstenir à cause de l'absence du Représentant de la Diète Germanique, le Gouvernement Impérial n'a pas cru pouvoir se séparer du Cabinet Prussien dans cette question.

Annexe B au Protocole du 20 Avril.

Prussia House, le 20 Avril, 1864.

LE Comte de Bernstorff a eu l'honneur de recevoir la note verbale, en date d'hier, par laquelle M. le Comte Russell a bien voulu lui faire connaître que la première réunion de la Conférence sur les affaires Danoises aurait lieu aujourd'hui à une heure. En se référant à la correspondance particulière qu'il a eue à ce sujet avec M. le Principal Secrétaire d'Etat pour les Affaires Etrangères, et dans laquelle il a eu l'honneur d'informer son Excellence qu'il ne serait point autorisé à prendre part à une Conférence pour le rétablissement de la paix avec le Danemark, avant que le Plénipotentiaire de la Confédération Germanique eût eu le temps d'arriver, le Comte de Bernstorff regrette vivement de se trouver placé par la note de M. le Comte Russell dans la nécessité de décliner de se rendre à la Conférence qui doit avoir lieu aujourd'hui.

(Translation.)

Protocol of a Conference held at London, in Downing Street, April 20, 1864.

Present:

The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiaries of Great Britain;
The Plenipotentiary of Russia;
The Plenipotentiary of Sweden and Norway.

HER Britannic Majesty's Principal Secretary of State for Foreign Affairs commenced by stating that the Conference, announced for the 20th of April, was opened.

He then communicated to the Plenipotentiaries the motives which had prevented the arrival of the Plenipotentiary of the Germanic Confederation in London in time for the opening of the Conference.

In continuation of this communication, he read the two letters annexed sub litt. A and B, in which the Ambassadors of Austria and Prussia explain their absence as resulting from that of the Representative of the Germanic Confederation.

The Plenipotentiaries of Denmark, France, Great Britain, Russia, and Sweden and Norway, taking into consideration, after the opening of the Conference on record, decide that after having placed questions which are to form the object of their deliberations until the examination of the Plenipotentiaries of Austria, Prussia, and the Germanic Confederation shall be in a position to take part in their labours. They consequently fix their next meeting for the 25th of this month.

(Signed) G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
RUSSELL.
CLARENDON.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Annex A to Protocol of April 20.

Chandos House, April 19, 1864, *midnight.*

THE Ambassador of Austria presents his compliments to Earl Russell, and regrets to inform his Excellency that, in conformity with the orders which he has this moment received from Vienna, he cannot have the honour of accepting the invitation to assist to-morrow at the first sitting of the Conference on Danish affairs.

The Ambassador of Prussia having received positive orders to absent himself on account of the absence of the Representative of the Germanic Diet, the Imperial Government have not thought it right to separate themselves from the Prussian Cabinet upon this question.

Annex B to Protocol of April 20.

Prussia House, April 20, 1864.

COUNT DE BERNSTORFF has had the honour to receive the *note verbale*, dated yesterday, in which Earl Russell was so good as to inform him that the first meeting of the Conference on Danish affairs would take place to-day at 1 o'clock. Referring to the private correspondence which he has had on this subject with the Principal Secretary of State for Foreign Affairs, and in which he had the honour to inform his Excellency that he would not be authorized to take part in a Conference for the re-establishment of peace with Denmark before the Plenipotentiary of the Germanic Confederation had had time to arrive, Count de Bernstorff deeply regrets being obliged, in consequence of Earl Russell's note, to decline attending the Conference which is to take place to-day.

Protocole No. 1.—*Séance du* 25 *Avril*, 1864.

Présents :

Pour l'Autriche—
M. le Comte Apponyi, &c., et
M. de Biegeleben, &c. ;
Pour le Danemark—
M. de Quaade, &c.,
M. de Bille, &c., et
M. de Krieger, &c. ;
Pour la France—
M. le Prince de la Tour d'Auvergne, &c. ;
Pour la Confédération Germanique—
M. le Baron de Beust, &c. ;
Pour la Grande Bretagne—
M. le Comte Russell, K.G., &c., et
M. le Comte de Clarendon, K.G., &c. ;
Pour la Prusse—
M. le Comte de Bernstorff, &c., et
M. de Balan, &c. ;
Pour la Russie—
M. le Baron de Brunnow, &c. ;
Pour la Suède et Norvège—
M. le Comte Wachtmeister, &c.

AVANT l'ouverture de la séance M. le Comte Apponyi propose de confier à M. le Comte Russell la présidence et la direction des travaux de la Conférence. "J'ai l'honneur," dit-il, "de vous faire une proposition qui, j'en suis sûr, réunira l'unanimité de tous les Membres de la Conférence. C'est de confier la présidence et la direction de nos travaux à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique. L'usage établi par les précédents désigne Lord Russell à notre choix et l'initiative prise par le Gouvernement Britannique pour arriver à la réunion de la Conférence donne à son Excellence un nouveau titre à nos suffrages. J'ai donc l'honneur de proposer son Excellence M. le Comte Russell comme Président de la Conférence."

Cette proposition ayant été adoptée à l'unanimité, M. le Comte Russell prend la présidence et remercie la Conférence en ces termes :—

"Je vous remercie, Messieurs, de l'honneur que vous avez bien voulu me faire en me proposant de présider aux travaux de cette Conférence. J'accepte volontiers cette proposition, d'autant plus que je la regarde comme une preuve de la confiance que vous placez dans les intentions de Sa Majesté la Reine et dans sa sollicitude pour le rétablissement de la paix. Puissent nos délibérations être conduites par un esprit de conciliation et de justice ! Puissent-elles réaliser ce but !

"Permettez-moi, Messieurs, de recommander qu'à l'exception des communications que chaque Représentant croira devoir faire à son propre Gouvernement, le secret le plus inviolable soit observé. Je m'efforcerai, Messieurs, de mériter l'honneur que vous me faites."

Sur la proposition de M. le Comte Russell, la Conférence décide de confier la rédaction des Protocoles à l'Honorable William Stuart, qui est introduit.

MM. les Plénipotentiaires procèdent ensuite à la vérification de leurs pouvoirs respectifs, qui sont trouvés en bonne et due forme.

M. le Comte Russell faisant observer que tous les Plénipotentiaires doivent également

désirer le rétablissement de la paix, et qu'il serait bien difficile d'y parvenir sans une suspension d'hostilités préalable, propose qu'une telle suspension soit décidée.

Cette proposition est appuyée par MM. les Plénipotentiaires de la France et de la Russie dans l'intérêt de l'humanité, aussi bien que dans celui des négociations.

MM. les Plénipotentiaires de l'Autriche et de la Prusse déclarent qu'il n'ont pas de pouvoirs suffisants pour accepter la proposition sans en référer à leurs Cours respectives.

M. le Baron de Brunnow et M. le Prince de la Tour d'Auvergne expriment l'avis qu'il s'agit surtout de mettre un terme à l'effusion de sang, et Lord Clarendon explique que cet objet serait atteint si l'ordre pouvait être donné de suspendre immédiatement les hostilités.

M. de Biegeleben fait observer qu'il s'agirait également de sauvegarder les intérêts du commerce, qui seraient mis en souffrance par la continuation du blocus.

M. le Comte de Bernstorff voudrait savoir si le Gouvernement de Danemark donnerait son adhésion à la proposition et s'il serait prêt à suspendre les hostilités de toute espèce sur mer, nommément aussi les blocus.

A cette question M. de Quaade répond que, si l'armée Austro-Prussienne s'abstenait de lever des contributions de guerre dans les territoires Danois qu'elle occupe, le Gouvernement de Danemark consentirait peut-être à faire cesser les hostilités sur mer aussi bien que par terre, à l'exception toutefois du blocus déjà établi.

M. le Plénipotentiaire de Suède et Norvège appuie l'idée d'une suspension d'hostilités provisoire, pour donner le temps nécessaire pour la conclusion d'un armistice.

M. le Plénipotentiaire de la Confédération Germanique s'associe au vœu généralement exprimé qu'un terme soit mis à l'effusion du sang, en faisant observer que dans le cas où les hostilités sur mer se prolongeraient, il y aurait impossibilité pour la Confédération de rester en dehors des opérations militaires. Il demande donc que l'armistice soit étendu aux hostilités sur mer.

M. le Comte Apponyi insiste [redacted] sur ce dernier point et sur la nécessité d'y comprendre la suspension des blo[redacted]

M. le Comte de Clarendo[redacted]rs de l'armistic conclu par le Congrès de Paris, le blocus n'a pas été lev[redacted] blocus dont il est actuellement question pourrait être maintenu tel qu'il [redacted]

MM. les Plénipotentiaires [redacted], avant d'entrer en discussion sur l'armistice, désireraient connaître les bas[redacted]minaires de la paix, mais ils seraient disposés à s'entendre sur une suspension [redacted]ostilités.

Après un échange d'idé[redacted] auquel prennent part tous les Plénipotentiaires, ceux des Puissances neutres, guidés par un sentiment unanime d'humanité, invitent les Représentants des Puissances belligérantes à transmettre à leurs Cours la proposition de suspendre les hostilités par terre et sur mer pendant la durée d'un mois, en différant l'examen de la question du blocus jusqu'au moment où l'on s'entendra définitivement sur la conclusion d'un armistice formel.

MM. les Plénipotentiaires de l'Autriche et de la Prusse, tout en insistant de nouveau, de concert avec M. le Plénipotentiaire de la Confédération Germanique, sur la nécessité de suspendre les blocus en même temps que les hostilités par terre et sur mer, se chargent, ainsi que MM. les Plénipotentiaires du Danemark, de faire connaître sans retard à leurs Cours les vœux des Puissances neutres.

M. le Principal Secrétaire d'Etat de Sa Majesté Britannique prie MM. les Plénipotentiaires des Puissances belligérantes de hâter, autant que possible, l'envoi des instructions qu'ils sollicitent de leurs Cours.

Il est convenu que la prochaine réunion aura lieu après la réception des réponses attendues de Vienne, de Berlin, et de Copenhague.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
FR. KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C[TE]. WACHTMEISTER.

(Translation.)

Protocol No. 1.—Sitting of April 25, 1864.

Present:

For Austria—
Count Apponyi, &c., and
M. de Biegeleben, &c.;
For Denmark—
M. de Quaade, &c.,
M. de Bille, &c., and
M. de Krieger, &c.;
For France—
The Prince de la Tour d'Auvergne, &c.;
For the Germanic Confederation—
Baron de Beust, &c.;
For Great Britain—
Earl Russell, K.G., &c., and
The Earl of Clarendon, K.G., &c.;
For Prussia—
Count de Bernstorff, &c., and
M. de Balan, &c.;
For Russia—
Baron de Brunnow, &c.;
For Sweden and Norway—
Count Wachtmeister, &c.

BEFORE the opening of the sitting Count Apponyi proposes that the presidency and the direction of the labours of the Conference should be entrusted to Earl Russell. "I have the honour," he says, "to make to you a proposal which will, I am sure, be unanimously accepted by the Members of the Conference. It is, to entrust the presidency and the direction of our labours to Her Britannic Majesty's Principal Secretary of State. The custom established by precedents directs our choice to Lord Russell, and the initiative taken by the British Government in bringing about the meeting of the Conference gives his Excellency a fresh claim to our votes. I have therefore the honour to propose his Excellency Earl Russell as President of the Conference."

This proposal having been unanimously adopted, Earl Russell assumes the presidency, and thanks the Conference in these terms:—

"I thank you, Gentlemen, for the honour which you have done me in proposing that I should preside over the labours of this Conference. I willingly accept this proposal, the more so as I regard it as a proof of the confidence which you place in the intentions of Her Majesty the Queen, and in her solicitude for the re-establishment of peace. May our deliberations be guided by a spirit of conciliation and of justice! May they realize this object!

"Permit me, Gentlemen, to recommend that, with the exception of the communications which each Representative may think fit to make to his own Government, the most inviolable secresy be observed. I will endeavour, Gentlemen, to show myself worthy of the honour which you do me."

Upon the proposal of Earl Russell, the Conference decides upon entrusting the drawing up of the Protocols to the Honourable William Stuart, who is introduced.

The Plenipotentiaries then proceed to the examination of their respective powers, which are found in good and due form.

Earl Russell observing that all the Plenipotentiaries must equally desire the re-establishment of peace, and that it would be very difficult to attain it without a preliminary suspension of hostilities, proposes that such a suspension should be decided on.

This proposal is supported by the Plenipotentiaries of France and Russia, in the interest of humanity, as well as in that of the negotiations.

The Plenipotentiaries of Austria and Prussia declare that they are not provided with sufficient powers to accept the proposal without referring to their respective Courts.

Baron de Brunnow and the Prince de la Tour d'Auvergne express their opinion that it is necessary, above all, to put an end to the effusion of blood; and Lord Clarendon explains that this object would be attained if orders could be given at once to suspend hostilities.

M. de Biegeleben observes that it is equally important to protect the interests of commerce, which would suffer from the continuance of the blockade.

Count de Bernstorff would be glad to know whether the Government of Denmark would give their consent to the proposal, and whether they would be ready to suspend hostilities of every kind at sea, and especially the blockades.

To this question M. de Quaade replies that if the Austro-Prussian army abstained from levying contributions of war in the Danish territories occupied by it, the Government of Denmark would perhaps consent to cease from hostilities at sea as well as on land, with the exception always of the blockade already established.

The Plenipotentiary of Sweden and Norway supports the idea of a provisional suspension of hostilities, to afford the time necessary for the conclusion of an armistice.

The Plenipotentiary of the Germanic Confederation joins in the desire generally expressed, that an end should be put to the effusion of blood, observing that, in case hostilities at sea should be prolonged, it would be impossible for the Confederation to hold aloof from the military operations. He therefore demands that the armistice should be extended to hostilities at sea.

Count Apponyi equally insists on this latter point, and on the necessity of including the suspension of the blockade.

The Earl of Clarendon remarks that at the time of the armistice concluded by the Congress of Paris, the blockade was not raised, and thinks that the blockade at present in question might be maintained in its existing state.

The Plenipotentiaries of Denmark, before entering into a discussion respecting the armistice, would wish to be informed of the preliminary bases of peace, but they would be disposed to come to an agreement as to a suspension of hostilities.

After an exchange of ideas in which all the Plenipotentiaries take part, those of the neutral Powers, guided by a unanimous feeling of humanity, request the Representatives of the belligerent Powers to transmit to their Courts the proposal for a suspension of hostilities by sea and land during the negotiations, deferring the examination of the question of the blockade till the moment when the preliminary agreement shall be come to respecting the conclusion of a formal armistice.

The Plenipotentiaries of Austria and Prussia, while insisting afresh, in concert with the Plenipotentiary of the Germanic Confederation, on the necessity of suspending the blockades at the same time as the hostilities by sea and land, undertake, as well as the Plenipotentiaries of Denmark, to make known without delay to their Governments the wishes of the neutral Powers.

Her Britannic Majesty's Principal Secretary of State begs the Plenipotentiaries of the belligerent Powers to hasten, as far as possible, the despatch of the instructions which they are to request from their Courts.

It is agreed that the next meeting shall take place after the receipt of the answers expected from Vienna, Berlin, and Copenhagen.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 2.—Séance du 4 Mai, 1864.

Présents :

MM. les Plénipotentiaires de l'Autriche ;
MM. les Plénipotentiaires du Danemark ;
M. le Plénipotentiaire de France ;
M. le Plénipotentiaire de la Confédération Germanique ;
MM. les Plénipotentiaires de la Grande Bretagne ;
MM. les Plénipotentiaires de la Prusse ;
M. le Plénipotentiaire de Russie ; et,
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte Russell demande à MM. les Plénipotentiaires de l'Autriche et de la Prusse s'ils ont reçu les instructions qu'ils s'étaient engagés à demander à leurs Cours, au sujet de la proposition de suspendre les hostilités par mer et par terre.

M. le Comte de Bernstorff répond que ces instructions sont en effet arrivées, et que les Plénipotentiaires de l'Autriche et de la Prusse sont autorisés à donner la déclaration suivante :—

1. Si le Danemark refuse la levée du blocus, toute discussion sur la suspension des hostilités sur terre et sur mer devient impossible et infructueuse ; car les Cabinets Allemands sont fermement décidés à ne point consentir à cette suspension sans la levée simultanée du blocus.

2. Si le Danemark accepte la levée simultanée du blocus, les Cabinets Allemands s'engagent, comme équivalent, à ne point entraver, dans les parties du Jutland occupeés par leurs armées, le commerce ni les communications, ni la marche régulière de l'administration ; à ne point lever de contributions de guerre, mais à payer au contraire tout ce qui serait fourni aux troupes Allemandes, qui continueraient seulement à occuper leurs positions stratégiques actuelles.

MM. les Plénipotentiaires de l'Autriche adhèrent expressément à cette déclaration.

M. de Quaade fait observer que son Gouvernement ne pourrait pas regarder la renonciation aux contributions de guerre comme une compensation suffisante pour la levée du blocus ; et une discussion s'engage entre lui et MM. les Plénipotentiaires de la Prusse et de l'Autriche, qui soutiennent que la levée du blocus serait une compensation équitable pour la suspension des hostilités par terre et la cessation des contributions de guerre.

M. le Comte Wachtmeister comprend que puisqu'il s'agit d'une simple suspension d'hostilités, les Puissances Allemandes ne consentiraient pas à perdre les avantages qu'elles ont gagnés par terre. Il soutient que comme compensation il serait juste et équitable de laisser les vaisseaux Danois devant les ports Allemands, le blocus constituant, dans son opinion, un équivalent de l'occupation du Jutland.

MM. les Plénipotentiaires de la Prusse et de l'Autriche signalent les torts faits au commerce en général par le blocus, en faisant valoir la différence entre le blocus et une occupation de territoire.

M. de Quaade, répondant à une question qui lui est adressée par M. le Comte Russell, déclare que son Gouvernement ne saurait consentir à la levée du blocus, dont il regarde le maintien comme l'équivalent de l'occupation du Jutland.

M. le Comte de Bernstorff dit que, puisque M. le Plénipotentiaire de Danemark insiste sur le maintien du blocus, il se voit obligé d'appeler l'attention de la Conférence sur le fait que le blocus n'est nullement effectif, et qu'il est par conséquent illégal et non conforme à la Déclaration du Congrès de Paris de 1856.

M. le Baron de Brunnow exprime l'avis que la Conférence devrait chercher les moyens d'arriver à la conclusion d'un armistice ; et M. le Comte de Clarendon demande sur quelles conditions le Gouvernement de Danemark y donnerait son consentement.

M. de Quaade explique que depuis la dernière séance de la Conférence, il n'a reçu de Copenhague que des dépêches télégraphiques, mais il répète que son Gouvernement consentira à une suspension d'hostilités par terre et à s'interdire également tout acte d'hostilité contre les navires Allemands, pourvu que le blocus soit maintenu.

Après une discussion entre MM. les Plénipotentiaires de la France, de la Grande Bretagne, de la Prusse, et de la Russie, au sujet de la proposition de conclure un armistice fondé sur un système de compensations, M. de Quaade dit qu'il serait possible de lever le blocus si le Jutland était évacué, et M. de Krieger ajoute qu'il voudrait envoyer des renseignements plus précis à son Gouvernement, qui n'a pas eu le temps de délibérer sur l'idée d'un système de compensation.

M. le Comte Wachtmeister exprime l'avis qu'en présence d'opinions aussi divergentes il serait mieux de procéder à formuler de part et d'autre des conditions d'armistice.

Cette idée est appuyée par M. le Baron de Brunnow, qui la considère comme le

meilleur moyen d'arriver à un but pratique. Le devoir des Puissances neutres est de concilier les opinions extrêmes, et de conseiller un système de compensation équitable.

M. le Comte de Bernstorff déclare alors que, si le Danemark ou les Puissances neutres demandaient l'abandon partiel des positions occupées par les armées alliées dans le Jutland, les Puissances Allemandes seraient encore prêtes à s'entendre sur un système de compensations à cet égard, sous la condition : (*a*) que toutes les parties du Schleswig occupées encore par les Danois, y compris nommément toutes les Iles qui y appartiennent, et qui sont situées à l'est et à l'ouest de ce Duché, seront évacuées par les Danois et occupées par les armées alliées; et (*b*) que tous les navires Prussiens et Allemands capturés par les Danois seront restitués avec leurs cargaisons.

M. le Comte Apponyi fait l'observation qu'une évacuation partielle du Jutland par l'armée alliée, proportionnée au territoire dans l'Ile d'Alsen occupé par l'armée Danoise, pourrait peut-être être convenue.

M. le Prince de la Tour d'Auvergne signale la difficulté qu'il y a de définir exactement la valeur relative des compensations, et exprime l'opinion qu'une évacuation complète du Jutland serait un juste équivalent de la levée du blocus, et de l'abandon d'Alsen par les Danois.

M. le Baron de Brunnow pense également qu'il faudrait tenir compte du sacrifice que ferait le Danemark en se désistant du blocus, et que les compensations devraient être plus larges.

M. le Baron de Beust rappelle que l'Autriche et la Prusse ont déjà fait preuve de leur désir d'arrêter l'effusion de sang en faisant cesser de fait les hostilités, et qu'il faut prendre en considération qu'en poursuivant les opérations militaires elles pourraient contraindre le Danemark à lever le blocus qui pèse sur le commerce Allemand. L'équivalent lui paraît constaté par la proposition faite par M. le Comte de Bernstorff. La Confédération n'est pas désintéressée dans la question, les ports du Holstein étant bloqués.

M. le Comte Russell propose alors à la Conférence, comme conditions d'armistice équitables :—

1. La levée du blocus.
2. L'évacuation de toutes les parties du Duché de Slesvig par les Danois.
3. L'évacuation du Jutland par l'Autriche et la Prusse.

MM. les Plénipotentiaires de la France, de Suede et Norvège, et de la Russie, donnent leur adhésion à cette proposition.

MM. les Plénipotentiaires de l'Autriche et de la Prusse croient que l'évacuation entière du Jutland serait plus qu'une compensation et qu'il pourrait y avoir des points stratégiques que l'armée alliée ne saurait abandonner.

M. de Krieger fait observer que les Puissances Allemandes demandent l'occupation de toutes les Iles qui dépendent du Duché de Slesvig, ainsi non-seulement de celle d'Alsen, mais aussi de celle d'Aeröe et de toutes les îles sur la côte occidentale du Duché, et une discussion s'engage, à laquelle prennent part tous les Plénipotentiaires, au sujet de l'importance de ces Iles, et sur le système d'équivalents proposé.

M. le Comte de Clarendon résume alors en peu de mots ce qui s'est passé pendant la séance. Il est d'avis que les conditions proposées par M. le Comte Russell sont justes et équitables, mais puisque les instructions de MM. les Plénipotentiaires du Danemark d'un côté, et de l'Autriche et de la Prusse de l'autre, ne peuvent pas se concilier, il prie ces Plénipotentiaires, au nom des Plénipotentiaires des Puissances neutres, d'en référer au plus tôt à leurs Cours respectives.

Les Plénipotentiaires des Puissances belligérantes consentent à faire cette démarche. Les Plénipotentiaires du Danemark se réservent de prendre également les ordres de leur Cour au sujet des conditions d'une simple suspension d'hostilités indiquées au commencement de la séance par M. le Comte de Bernstorff.

Il est convenu que la Conférence se réunira de nouveau le Lundi 9 Mai à 1 heure, quand les réponses attendues de Vienne, de Berlin, et de Copenhague, auront eu le temps d'arriver.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 2.—Sitting of May 4, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Earl Russell inquires of the Plenipotentiaries of Austria and Prussia if they have received the instructions which they had engaged to request from their Courts on the subject of the proposal for suspending hostilities by sea and land.

Count de Bernstorff replies that these instructions have in fact arrived, and that the Plenipotentiaries of Austria and Prussia are authorized to make the following declaration:—

1. If Denmark refuses to raise the blockade, all discussion as to the suspension of hostilities by land and sea becomes impossible and useless; for the German Cabinets are firmly resolved not to consent to this suspension without the simultaneous raising of the blockade.

2. If Denmark accepts the simultaneous raising of the blockade, the German Cabinets engage, as an equivalent, not to impede in the parts of Jutland occupied by their armies, either the commerce or the communications, or the regular course of the administration; to raise no contributions of war, but on the contrary to pay for all that may be furnished to the German troops, who would simply continue to hold their present strategical positions.

The Plenipotentiaries of Austria expressly adhere to this declaration.

M. de Quaade observes that his Government could not regard the giving up of contributions of war as a sufficient compensation for raising the blockade; and a discussion takes place between him and the Plenipotentiaries of Prussia and Austria, who maintain that the raising of the blockade would be an equitable compensation for the suspension of hostilities by land, and the cessation of contributions of war.

Count Wachtmeister understands that as a simple suspension of hostilities is in question, the German Powers would not consent to lose the advantages which they have gained by land. He maintains that as a compensation it would be just and equitable to leave the Danish vessels before the German ports, as the blockade constitutes, in his opinion, an equivalent for the occupation of Jutland.

The Plenipotentiaries of Prussia and Austria represent the injury done to commerce in general by the blockade, and point out the difference between the blockade and an occupation of territory.

M. de Quaade, in answer to a question which is addressed to him by Earl Russell, declares that his Government cannot consent to raise the blockade, the maintenance of which they regard as an equivalent for the occupation of Jutland.

Count de Bernstorff says, that as the Plenipotentiary of Denmark insists on the maintenance of the blockade, he finds himself compelled to call the attention of the Conference to the fact that the blockade is not effective, and that it is consequently illegal and not in conformity with the Declaration of the Congress of Paris of 1856.

Baron de Brunnow expresses the opinion that the Conference should attempt to find means of arriving at the conclusion of an armistice; and the Earl of Clarendon inquires on what conditions the Government of Denmark would give their consent thereto.

M. de Quaade explains that since the last sitting of the Conference, he has only received telegraphic despatches from Copenhagen, but he repeats that his Government will consent to a suspension of hostilities on land, and also to abstain from all acts of hostility against German ships, provided that the blockade is maintained.

After a discussion between the Plenipotentiaries of France, Great Britain, Prussia, and Russia, on the subject of the proposal for concluding an armistice based on a system of compensations, M. de Quaade says that it would be possible to raise the blockade if Jutland was evacuated; and M. de Krieger adds, that he would wish to send more precise information to his Government, who have not had time to deliberate on the idea of a system of compensation.

Count Wachtmeister expresses his opinion that in presence of opinions so divergent it would be better to proceed to draw up conditions of armistice on either side.

This idea is supported by Baron de Brunnow, who considers it as the best means of

arriving at a practical result. The duty of the neutral Powers is to conciliate extreme opinions, and to advise an equitable system of compensation.

Count de Bernstorff then declares, that if Denmark or the neutral Powers were to require the partial surrender of the positions occupied by the allied armies in Jutland, the German Powers would still be ready to come to an understanding as to a system of compensations on this subject, on condition : (*a*) that all the parts of Schleswig still occupied by the Danes, including specially all the Islands which belong to it, and which are situated to the east and west of that Duchy, shall be evacuated by the Danes, and occupied by the allied armies; and (*b*) that all the Prussian and German vessels captured by the Danes shall be restored, together with their cargoes.

Count Apponyi observes, that a partial evacuation of Jutland by the allied army, proportional to the territory in the Island of Alsen occupied by the Danish army, might perhaps be arranged.

The Prince de la Tour d'Auvergne points out the difficulty there is in defining exactly the relative value of the compensations, and expresses the opinion that a complete evacuation of Jutland would be a just equivalent for the raising of the blockade, and the surrender of Alsen by the Danes.

Baron de Brunnow thinks also that the sacrifice which Denmark would make in giving up the blockade should be taken into consideration, and that the equivalent should be greater.

Baron de Beust asserts that Austria and Prussia have already given proof of their desire to stop the effusion of blood by virtually ceasing from hostilities, and that it must be taken into consideration that by continuing military operations they might force Denmark to raise the blockade, which injures the commerce of Germany. The equivalent appears to him to have been laid down in the proposal made by Count de Bernstorff. The Confederation is not uninterested in the question, as the ports of Holstein are blockaded.

Earl Russell then proposes to the Conference as equitable conditions of armistice—

1. The raising of the blockade.
2. The evacuation of every part of the Duchy of Sleswig by the Danes.
3. The evacuation of Jutland by Austria and Prussia.

The Plenipotentiaries of France, Sweden and Norway, and Russia, adhere to this proposal.

The Plenipotentiaries of Austria and Prussia consider that the entire evacuation of Jutland would be more than a compensation, and that there might be strategical points which the allied army could not abandon.

M. de Krieger observes that the German Powers demand the occupation of all the islands which belong to the Duchy of Sleswig, and therefore not only of that of Alsen, but also of that of Aeroe, and of all the islands on the western coast of the Duchy; and a discussion takes place, in which all the Plenipotentiaries take part, on the subject of the importance of these islands, and on the system of equivalents proposed.

The Earl of Clarendon then sums up in a few words what has passed during the sitting. He is of opinion that the conditions proposed by Earl Russell are just and equitable; but since the instructions of the Plenipotentiaries of Denmark on the one side, and of Austria and Prussia on the other, cannot be reconciled, he begs these Plenipotentiaries, in the name of the Plenipotentiaries of the neutral Powers, to refer as soon as possible to their respective Courts.

The Plenipotentiaries of the belligerent Powers consent to take this step. The Plenipotentiaries of Denmark reserve to themselves the right of also taking the orders of their Court on the subject of the conditions of a simple suspension of hostilities put forward at the beginning of the sitting by Count de Bernstorff.

It is agreed that the Conference shall meet again on Monday, the 9th of May, at 1 o'clock, when there will have been time for the answers expected from Vienna, Berlin, and Copenhagen to arrive.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 3.—Séance du 9 Mai, 1864.

Présents:

MM. les Plénipotentiaires de l'Autriche;
MM. les Plénipotentiaires du Danemark;
M. le Plénipotentiaire de France;
M. le Plénipotentiaire de la Confédération Germanique;
MM. les Plénipotentiaires de la Grande Bretagne;
MM. les Plénipotentiaires de la Prusse;
M. le Plénipotentiaire de Russie; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte Russell rappelle l'engagement pris par MM. les Plénipotentiaires des Puissances belligérantes de prendre les ordres de leurs Cours respectives au sujet de la proposition d'armistice dont les conditions sont indiquées dans le Protocole No. 2, et il prie MM. les Plénipotentiaires de l'Autriche et de la Prusse d'informer la Conférence du résultat de leur démarche.

M. le Comte Apponyi répond que les Gouvernements de l'Autriche et de la Prusse sont prêts à accepter l'armistice sous les conditions proposées par M. le Comte Russell, et à en discuter les détails.

Lord Russell demande alors à MM. les Plénipotentiaires du Danemark s'ils ont reçu des instructions à cet égard.

M. de Quaade répond qu'à la dernière séance M. le premier Plénipotentiaire de la Prusse avait fait la déclaration suivante: "Si le Danemark accepte la levée simultanée du blocus, les Cabinets Allemands s'engagent, comme équivalent, à ne point entraver, dans les parties du Jutland occupées par leurs armées, le commerce, ni les communications, ni la marche régulière de l'administration; à ne point lever de contributions de guerre, mais à payer au contraire tout ce qui serait fourni aux troupes Allemandes, qui continueraient seulement à occuper leurs positions stratégiques actuelles;" et que "MM. les Plénipotentiaires de l'Autriche ont adhéré expressément à cette déclaration."

M. de Quaade annonce que le Danemark accepte la levée du blocus aux termes précités, à condition, (*a*) que tous les navires de guerre Prussiens se trouvant actuellement dans les ports Prussiens de la Baltique restent dans ces ports pendant toute la durée de la suspension des hostilités; (*b*) que tous les ôtages et tous les prisonniers civils détenus, à quelque titre que ce soit, dans ce moment par les autorités des Gouvernements de l'Autriche et de la Prusse soient remis en liberté. A ces conditions le Gouvernement Danois donne son assentiment à une suspension d'armes pour la durée d'un mois.

M. le Comte de Bernstorff fait observer que le Danemark fait dépendre l'acceptation de la suspension d'hostilités proposée par les Plénipotentiaires des Puissances Allemandes de conditions nouvelles qu'il ne saurait accepter sans en référer à son Gouvernement. Il combat nommément la première condition (*a*), comme manquant absolument de réciprocité.

Une discussion générale s'engage sur la nature et le but de ces conditions, MM. les Plénipotentiaires des Puissances neutres s'efforçant, de concert avec MM. les Plénipotentiaires des Puissances belligérantes, de trouver une formule de rédaction qui pourrait réunir une adhésion unanime.

La Conférence finit par tomber d'accord sur une suspension d'hostilités, dont les termes sont rédigés de la manière suivante:—

"Il y aura suspension d'hostilités sur mer et par terre, à dater du 12 Mai, pour l'espace d'un mois;

"Le même jour le Danemark levera les blocus;

"La Prusse et l'Autriche s'obligent, pendant la suspension des hostilités, à ne pas entraver, dans les parties du Jutland occupées par leurs armées, le commerce, ni les communications, ni la marche régulière de l'administration; à ne point lever de contributions de guerre, mais à payer au contraire tout ce qui serait fourni aux troupes Allemandes, qui continueraient seulement à occuper leurs positions stratégiques actuelles;

"Les parties belligérantes conviennent qu'elles conserveront leurs positions militaires respectives sur terre et par mer; et s'interdisent de les renforcer, pendant la durée de la suspension des hostilités;

"Notification officielle en sera faite aux Commandants des forces belligérantes de terre et de mer par leurs Gouvernements respectifs."

MM. les Plénipotentiaires des Puissances belligérantes s'engagent à transmettre par le télégraphe l'avis de cette décision de la Conférence à leurs Cours.

M. de Quaade exprime la pensée qu'il sera laissé aux Commandants respectifs des forces Danoises et Allemandes dans le Jutland de fixer les limites jusqu'auxquelles s'étend l'occupation du territoire Jutlandais.

Il est convenu en effet que tous les autres détails se rattachant à la suspension d'hostilités seront réglés par les Commandants respectifs.

A l'invitation de MM. les Plénipotentiaires des Puissances neutres, MM. les Plénipotentiaires de l'Autriche et de la Prusse s'engagent à recommander à leurs Gouvernements la mise en liberté des prisonniers civils qui avaient été arrêtés par les autorités des Puissances alliées.

M. de Balan demande si la suspension d'hostilités ne pourrait pas être prolongée pour plus d'un mois. Il rappelle que les Plénipotentiaires de l'Autriche et de la Prusse avaient été autorisés à conclure non seulement une simple suspension d'hostilités, mais même un armistice selon la proposition de M. le Comte Russell.

M. de Quaade répond que les Plénipotentiaires du Danemark n'ont été autorisés à accéder à une suspension d'hostilités que pour le terme d'un mois. Il leur est donc impossible dans ce moment de consentir à une prolongation de ce terme.

Tous les Plénipotentiaires expriment l'espoir qu'il sera bientôt possible d'en étendre la durée.

En se référant à une observation faite par M. le Comte de Bernstorff à la séance précédente, suivant laquelle le blocus devant les ports Prussiens ne serait pas conforme à la Déclaration du Congrès de Paris de 1856, M. de Quaade rappelle qu'il a déclaré à la même séance que cette observation n'était pas conforme aux informations qu'il possédait lui-même à ce sujet.

M. le Comte de Bernstorff déclare qu'il doit soutenir son opinion antérieurement énoncée.

Plusieurs Plénipotentiaires leur répresentent que puisque les blocus doivent être levés, la question a perdu toute importance.

MM. les Plénipotentiaires de la Grande Bretagne, après avoir rappelé que l'objet de la Conférence est de rétablir la paix, proposent, puisqu'une suspension d'hostilités provisoire est maintenant décidée, de procéder dans la prochaine séance à la discussion de Préliminaires de Paix.

La Conférence décide en conséquence qu'elle se réunira le Jeudi, 12 Mai, pour la discussion de cette question.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 3.—*Sitting of May* 9, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Earl Russell recalls the engagement entered into by the Plenipotentiaries of the belligerent Powers to take the orders of their respective Courts on the subject of the proposal

of armistice, the conditions of which are stated in Protocol No. 2; and he begs the Plenipotentiaries of Austria and Prussia to inform the Conference of the result of their proceedings.

Count Apponyi replies that the Governments of Austria and Prussia are ready to accept the armistice on the conditions proposed by Earl Russell, and to discuss its details.

Lord Russell then inquires of the Plenipotentiaries of Denmark if they have received instructions on this point.

M. de Quaade replies that, at the last sitting, the first Plenipotentiary of Prussia made the following declaration:—

"If Denmark accepts the simultaneous raising of the blockade, the German Cabinets engage, as an equivalent, not to impede in the parts of Jutland occupied by their armies either the commerce or the communications, or the regular course of the administration to raise no contributions of war, but, on the contrary, to pay for all that may be furnished to the German troops, who would simply continue to hold their present strategical positions;" and that "the Plenipotentiaries of Austria expressly adhered to this declaration."

M. de Quaade announces that Denmark accepts the raising of the blockade on the above-mentioned terms, on condition—(*a.*) That all the Prussian vessels of war which are at the present moment in the Prussian ports of the Baltic shall remain in those ports during the whole period of the suspension of hostilities; (*b.*) That all the hostages and all the civil prisoners detained, on whatever pretext, at this moment by the authorities of the Governments of Austria and Prussia shall be set at liberty. On these conditions the Danish Government give their assent to a suspension of arms for the space of a month.

Count de Bernstorff observes that Denmark makes her acceptance of the suspension of hostilities proposed by the Plenipotentiaries of the German Powers dependent on fresh conditions, which he cannot accept without referring to his Government. He contests especially the first condition (*a*), as being entirely deficient in reciprocity.

A general discussion takes place on the nature and object of these conditions, the Plenipotentiaries of the neutral Powers endeavouring, in concert with the Plenipotentiaries of the belligerent Powers, to draw them up in such a form as would ensure their unanimous acceptance.

The Conference finally agrees on a suspension of hostilities, the terms of which are drawn up in the following manner:—

"Hostilities shall be suspended by sea and by land, from the 12th of May, for the space of a month;

"On the same day Denmark shall raise the blockades;

"Prussia and Austria engage, during the suspension of hostilities, not to impede, in the parts of Jutland occupied by their armies, either the commerce, or the communications, or the regular course of the administration; not to raise contributions of war, but, on the contrary, to pay for all that may be furnished to the German troops, who shall simply continue to occupy their present strategical positions;

"The belligerent parties agree to preserve their respective military positions by sea and land, and engage not to reinforce them during the continuance of the suspension of hostilities.

"Official notification shall be made to the Commanders of the belligerent forces by sea and land by their respective Governments."

The Plenipotentiaries of the belligerent Powers engage to transmit by telegraph the announcement of this decision of the Conference to their Courts.

M. de Quaade expresses the idea that it should be left to the respective Commanders of the Danish and German forces in Jutland to fix the limits to which the occupation of territory in Jutland extends.

It is agreed that all other details concerning the suspension of hostilities shall be arranged by the respective Commanders.

At the request of the Plenipotentiaries of the neutral Powers, the Plenipotentiaries of Austria and Prussia engage to recommend to their Governments the release of the civil prisoners who had been arrested by the authorities of the allied Powers.

M. de Balan inquires whether the suspension of hostilities could not be prolonged for more than a month. He remarks that the Plenipotentiaries of Austria and Prussia had been authorized to conclude not only a simple suspension of hostilities, but even an armistice, according to the proposal of Earl Russell.

M. de Quaade answers that the Plenipotentiaries of Denmark have only been authorized to accede to a suspension of hostilities for the term of a month. It is therefore impossible for them at this moment to consent to a prolongation of this term.

All the Plenipotentiaries express the hope that it will soon be possible to extend its duration.

Referring to an observation made by Count de Bernstorff in the preceding sitting, in which the blockade of the Prussian ports was said not to be in conformity with the Declaration of the Congress of Paris of 1856, M. de Quaade remarks that he declared in the same sitting that this observation was not in conformity with the information which he himself possessed on this subject.

Count de Bernstorff declares that he must maintain the opinion previously expressed by him.

Several Plenipotentiaries represent to them that since the blockades are to be raised, the question has lost all its importance.

The Plenipotentiaries of Great Britain, after calling to mind that the object of the Conference is to re-establish peace, propose, since a provisional suspension of hostilities has now been decided on, to proceed in the next sitting to the discussion of Preliminaries of Peace.

The Conference resolves, in consequence, to meet on Thursday, the 12th May, for the discussion of this question.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 4.—Séance du 12 Mai, 1864.

Présents:

MM. les Plénipotentiaires de l'Autriche;
MM. les Plénipotentiaires du Danemark;
M. le Plénipotentiaire de France;
M. le Plénipotentiaire de la Confédération Germanique;
MM. les Plénipotentiaires de la Grande Bretagne;
MM. les Plénipotentiaires de la Prusse;
M. le Plénipotentiaire de Russie; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte de Bernstorff annonce qu'il a été informé par le télégraphe que Sa Majesté le Roi de Prusse a accepté la suspension des hostilités sur terre et sur mer, à dater du 12 Mai, et a donné des ordres télégraphiques en conséquence aux Commandants de ses forces respectives. Il ajoute qu'il ne se trouve point d'ôtages entre les mains des autorités Prussiennes, mais que son Gouvernement a consenti à mettre en liberté, suivant la recommandation de la Conférence, les prisonniers civils dont il a été question dans la dernière séance, à l'exception toutefois des espions.

M. le Comte Russell émet l'avis que la Conférence, étant parvenue à établir une suspension d'hostilités, devrait maintenant se mettre à l'œuvre afin d'arriver à l'objet principal de sa convocation. Il donne lecture de la note en date du 25 Février, 1864, par laquelle M. le Ministre des Affaires Etrangères de Sa Majesté Impériale et Royale Apostolique a accepté l'invitation faite au Gouvernement d'Autriche par celui de la Grande Bretagne d'assister à la Conférence.

Cette note est conçue dans les termes suivants:

"Le Soussigné, &c., a eu l'honneur de recevoir la note par laquelle son Excellence Lord Bloomfield, &c., l'informe que son Gouvernement propose aux Gouvernements d'Autriche, de Prusse, et de Danemark, de se réunir en Conférence à Londres, sans suspension d'hostilités, pour aviser aux moyens de rétablir la paix, et que la France, la

Russie, et la Suède, ainsi que la Confédération Germanique, seront invitées à prendre part à ces Conférences.

"Le Gouvernement Impérial partage entièrement le désir du Gouvernement Britannique de mettre fin le plus tôt possible aux calamités de la guerre.

"Le Soussigné s'empresse en conséquence de porter à la connaissance de Lord Bloomfield que le Gouvernement Impérial accepte la proposition de la Cour de Londres, et se déclare prêt à entrer dès à présent dans des Conférences auxquelles participeraient les Puissances signataires du Traité de Londres du 8 Mai, 1852, et la Confédération Germanique.

"Le Soussigné, &c. (Signé) "RECHBERG."

M. le Comte Russell rappelle que la base sur laquelle la Conférence s'est réunie est celle d'aviser aux moyens de rétablir la paix. Il croit qu'il appartient à MM. les Plénipotentiaires de l'Autriche et de la Prusse d'exposer les motifs qui ont engagé leurs Gouvernements à occuper une grande partie du territoire Danois, et de faire connaître les intentions de leurs Cours. Il espère qu'une paix solide sera le résultat de leurs délibérations.

M. le Comte Apponyi dit que dans son opinion il serait inutile et trop long d'exposer à la Conférence les motifs qui ont amené l'occupation du Schleswig et du Jutland par les Puissances alliées. Ces motifs du reste sont constatés dans des dépêches qui ont été publiées.

M. le premier Plénipotentiaire de la Prusse donne lecture alors de la déclaration suivante: "Avant de pouvoir entrer en discussion sur les conditions du rétablissement de la paix avec le Danemark, les Plénipotentiaires des Puissances Allemandes croient devoir faire observer qu'ils regardent le terrain de la discussion comme entièrement libre de toute restriction résultant d'engagements qui peuvent avoir existé avant la guerre entre leurs Gouvernements et le Danemark, et que la base sur laquelle de nouvelles combinaisons pourront être trouvées, formera, à leur point de vue, un des principaux objets de la négociation à ouvrir. En revendiquant ainsi pour elles-mêmes une entière liberté de discussion et la faculté de faire telles propositions qu'elles jugeront de nature à assurer une pacification solide et durable, les Puissances Allemandes n'entendent exclure aucune combinaison qui pourra servir à faire atteindre ce but, sans porter préjudice à des droits acquis."

M. le Comte de Clarendon demande à M. le Comte de Bernstorff si par les engagements dont il a parlé, il a voulu comprendre tout Traité ou autre engagement, faisant observer que quoique la guerre puisse à la rigueur dissoudre un Traité entre deux Puissances devenues belligérantes, elle ne saurait dégager ces Puissances de leurs obligations envers les autres Puissances co-signataires du même Traité.

M. le Comte de Bernstorff répond que c'est là une question à laquelle son Gouvernement lui semble avoir répondu d'avance en se déclarant prêt à traiter avec les autres Puissances.

M. le Comte de Clarendon cite la dépêche suivante qui avait été adressée à M. le Comte de Bernstorff par M. le Ministre des Affaires Etrangères de Sa Majesté le Roi de Prusse en date du 31 Janvier, 1864:—

"M. le Comte,

"Le Gouvernement du Roi, en basant sur les stipulations de 1851-52 les droits que, de concert avec l'Autriche, il se dispose à faire valoir contre le Danemark, a reconnu par ce fait même le principe de l'intégrité de la Monarchie Danoise, établie par les transactions de 1851-52. Le Gouvernement du Roi, en procédant à l'occupation de Slesvig, n'a pas l'intention de se départir de ce principe. Si néanmoins, à la suite de complications que pourrait amener la persistance du Gouvernement Danois dans le refus d'accomplir ses promesses de 1852, ou de l'intervention armée d'autres Puissances dans le conflit Dano-Allemand, le Gouvernement du Roi se voyait forcé à renoncer à des combinaisons qui n'offriraient plus un résultat proportionné aux sacrifices que les événements imposeraient aux Puissances Allemandes, les arrangements définitifs ne sauraient être arrêtés sans le concours des Puissances signataires du Traité de Londres. Le Gouvernement Britannique trouverait alors le Gouvernement du Roi prêt à se mettre d'accord avec lui sur l'arrangement définitif de la question Dano-Allemande."

M. le Comte de Bernstorff, en disant que le moment indiqué dans la dépêche est arrivé, lit l'extrait d'une autre dépêche, datée de la veille de celle citée par Lord Clarendon, dans laquelle M. de Bismarck l'informa que "dans le cas où le Danemark s'opposerait à main armée à cette occupation, il doit en résulter des événements belliqueux dont les conséquences influeraient d'autant plus profondément sur le développement ultérieur des

relations réciproques entre l'Allemagne et le Danemark que par-là les Traités existants entre les deux pays cesseraient d'être en vigueur. Ce ne serait qu'à ce moment là que la question de l'intégrité de la Monarchie Danoise demanderait une solution. Nous ne doutons pas qu'alors cette question ne soit examinée par toutes les grandes Puissances avec la sagesse sérieuse et prévoyante qui est due à une question aussi importante," &c.

En réponse à une question qui lui est adressée par M. le Comte de Clarendon, qui voudrait savoir si la Prusse considère le Traité de 1852 comme ayant cessé d'exister en ce qui concerne le Danemark, tout en conservant sa valeur vis-à-vis des autres Puissances co-signataires, M. le Comte de Bernstorff exprime l'avis que ce Traité, qui d'ailleurs n'a jamais été parfait, lui semble avoir perdu sa valeur, et qu'il vaudrait mieux recourir à de nouvelles combinaisons que de renfermer la discussion dans d'aussi étroites limites.

M. le Baron de Brunnow maintient qu'avant d'abandonner un Traité qui a été ratifié par les Puissances signataires dans l'intérêt général de l'Europe, il faudrait donner des raisons jugées satisfaisantes d'un commun accord. Ces raisons devraient être bien graves. Le Traité de 1852 a eu pour objet de consolider la paix du Nord et de sauvegarder l'équilibre Européen. Il a été conclu non seulement entre les Puissances actuellement en guerre, mais entre toutes les Puissances qui y ont participé. Leurs Représentants, réunis aujourd'hui en Conférence, sont libres assurément d'échanger leurs idées sur de nouvelles combinaisons à adopter, pourvu qu'elles soient de nature à offrir à la paix de l'Europe des garanties équivalentes à celles sur lesquelles repose aujourd'hui le système de l'équilibre général.

M. le Comte de Bernstorff voudrait commencer par établir les bases sur lesquelles la discussion doit s'engager, pensant qu'avant que cette question préliminaire ne soit vidée, il serait inutile d'entrer en matière sur les préliminaires de paix.

M. le Baron de Brunnow fait observer qu'il n'a pas parlé de bases, mais que selon lui, le principe du Traité de 1852 subsiste toujours, car l'intérêt général, dans lequel cet Acte a été conclu, reste le même.

M. le Comte de Bernstorff trouve qu'il est difficile d'admettre que l'équilibre Européen dépende du maintien du Traité de Londres, et pense que les événements ont suffisamment prouvé que c'est précisément l'existence de ce Traité impossible à exécuter qui a mis l'équilibre en danger.

M. le Prince de la Tour d'Auvergne pense que la Conférence aurait intérêt à savoir si, dans la pensée de MM. les Plénipotentiaires Allemands, les arrangements de 1851 et de 1852, qui paraissent avoir été la cause de la guerre, ne pourraient pas être complétés et entourés de garanties qui les rendraient acceptables pour les deux grandes Puissances Allemandes et pour la Confédération Germanique.

M. le Comte de Bernstorff déclare qu'il serait impossible aux Puissances Allemandes de prendre pour base de la pacification les arrangements de 1851–52, que le Danemark a non seulement continuellement refusé de remplir, mais qu'il n'a même jamais voulu reconnaître comme des engagements qui le liaient.

Cette observation est contestée par M. de Quaade, qui soutient que le Danemark a tout fait pour remplir ses engagements.

M. de Krieger, en relevant le caractère absolu et solidaire des engagements pris par le Traité de Londres de 1852, explique pourquoi le Gouvernement Danois ne saurait reconnaître que l'Autriche et la Prusse soient déliées de ces engagements par le seul fait de la guerre éclatée entre ces Puissances et le Danemark, et ajoute plusieurs observations sur le véritable sens des transactions de 1851 et 1852, et sur la marche des négociations subséquentes.

M. le Comte de Bernstorff répond que le Traité de Londres n'a pas été conclu, à proprement parler, entre toutes les Puissances qui l'ont signé, mais entre le Danemark et chacune des autres Puissances, qui, par cette raison, n'ont échangé de ratifications qu'avec le Danemark. Il demande quel est donc l'engagement que les Puissances ont pris envers le Danemark? C'est de reconnaître à l'avenir un nouvel ordre de Succession que Sa Majesté le Roi de Danemark avait l'intention d'introduire. Mais cet ordre de Succession n'a point été introduit d'une manière légale pour les Duchés, puisque ni les Etats des Duchés, ni les Agnats, ni la Confédération Germanique n'y ont consenti. L'objet de l'engagement n'existe donc point en réalité, puisqu'on ne peut supposer que les Puissances se soient engagées à reconnaître à l'avenir quelque chose d'illégal.

Une discussion a lieu entre les Plénipotentiaires de la Prusse, d'un côté, et ceux du Danemark, de l'autre, tant au sujet du Traité de 1852, que par rapport aux transactions de 1851 et 1852, et aux négociations qui s'y rattachent.

M. le Baron de Brunnow intervient, en disant que la discussion s'écarte de son but. Il demande à connaître les conditions que l'on se propose de mettre en avant.

M. le Baron de Beust ne peut passer sous silence une expression par laquelle M. Krieger a contesté la compétence de la Confédération Germanique. La Confédération,

dit-il, protesterait contre tout arrangement fait sans son consentement. Il rappelle que le Traité de 1852 n'a pas été soumis à la Confédération, et qu'il ne peut pas en être question pour la Diète, celle-ci l'ayant de plus rejeté indirectement dans sa séance du 25 Février dernier. La Confédération ne peut pas cependant rester étrangère à la manière dont ce Traité, qui est devenu un germe de guerre et de perturbation, au lieu d'un gage de paix, sera envisagé par la Conférence. Plusieurs conditions indispensables pour assurer la validité de ce Traité n'ont pas été remplies. Il est d'avis que les autres Puissances ne peuvent pas exiger que les Puissances Allemandes présentent de nouvelles combinaisons à la place d'un Traité, avant que la question de sa validité ne soit vidée.

M. le Baron de Brunnow admet que quoique la Russie soit liée par le Traité, la Confédération ne l'est pas. Ayant pris part au Traité, il peut dire qu'il a regretté dans le temps qu'il n'ait pas été communiqué à la Confédération, mais il constate qu'un Article du Traité a expressément réservé les droits et les obligations établis par l'Acte Fédéral.

M. le Comte de Clarendon rappelle qu'en ce qui concerne la Grande Bretagne, et M. le Baron de Brunnow confirme pour ce qui concerne les autres Puissances co-signataires du Traité, que tous les membres de la Conférence d'alors sans exception ont observé les égards dûs à la Confédération Germanique. M. le Plénipotentiaire de Russie rend hommage à la mémoire de feu Sa Majesté le Roi de Prusse. Bien que son Ministre ait éprouvé de l'hésitation à signer le Traité du 8 Mai, ce Monarque a daigné y accorder sa sanction, afin de donner un nouveau gage au maintien de l'équilibre Européen.

M. le Baron de Beust ne nie pas les bons procédés des Puissances envers la Confédération, et dit que le but de l'invitation adressée à la Confédération ayant été d'empêcher qu'une décision ne fût prise qu'elle pourrait mettre en question, il a jugé de son devoir de ne pas laisser subsister de doutes sur ses dispositions.

M. le Comte Russell rappelle que les Puissances Allemandes ont adhéré au Traité de Londres.

M. de Biegeleben fait remarquer que l'Autriche ayant, de concert avec la Prusse, déclaré que les Puissances Allemandes sont déliées par le fait de la guerre de toute obligation contractée antérieurement envers le Danemark, il n'a pas cru pouvoir discuter avec MM. les Plénipotentiaires Danois la valeur primitive et l'exécution des arrangements de 1852; qu'une expérience de douze années a d'ailleurs prouvé que ces arrangements n'ont pas rempli leur but, qu'ils n'ont satisfait aucune des parties intéressées, et qu'on n'a jamais pu s'entendre sur leur véritable sens. Il croit que l'on devrait s'écarter du terrain de l'interprétation des anciennes stipulations pour arriver au but.

M. le Comte Russell fait l'observation qu'il ne suffit pas de détruire, mais qu'il faut construire.

M. le Comte Wachtmeister, en adhérant au point de vue développé par M. le Baron de Brunnow, qui ayant été lui-même un des signataires du Traité de Londres, est à même d'en apprécier plus que personne toute la portée, observe que comme Plénipotentiaire d'une des Puissances signataires de ce Traité il doit maintenir cette base des négociations jusqu'à ce qu'il soit prouvé qu'elle est insuffisante pour atteindre le but de la Conférence actuelle, et qu'avant de l'abandonner il faut tout au moins connaître la nature exacte des arrangements que l'on propose d'y substituer.

M. le Baron de Brunnow se prononce de nouveau dans le même sens.

M. le Prince de la Tour d'Auvergne renouvelle l'interpellation qu'il a déjà adressée à MM. les Plénipotentiaires Allemands, et leur demande si, dans le cas où les arrangements de 1851 et de 1852 ne seraient pas susceptibles d'être maintenus, ils ne croiraient pas possible d'y substituer de nouvelles combinaisons sans s'écarter du cercle tracé par les stipulations du Traité.

M. le Comte de Bernstorff répond qu'avant d'énoncer des propositions positives, il désire que la question préalable soit décidée.

M. le Comte de Clarendon fait observer que la Prusse a déclaré que la guerre a été faite par suite de la non-exécution de quelques-uns de ses engagements par le Danemark, et que si ces engagements sont devenus impossibles il voudrait savoir ce qu'il y aurait à y substituer, et quel arrangement pourrait paraître suffisant. Il ajoute que la proposition d'abandonner le Traité a été faite, mais que des raisons suffisantes n'en ont pas été fournies.

M. le Comte de Bernstorff répète qu'avant de décider la question préalable, il serait difficile de faire des propositions positives; et répondant à M. le Prince de la Tour d'Auvergne, qui lui demande si les Puissances Allemandes ont de combinaisons arrêtées, il dit que oui, mais qu'il faut que la question préjudicielle soit décidée et que le terrain soit libre.

M. le Baron de Brunnow insiste de nouveau sur l'intérêt de l'équilibre Européen, qu'il n'est pas autorisé par son Gouvernement à abandonner. Il se croit obligé de rappeler que

l'Autriche et la Prusse, aussi bien que les Puissances neutres, sont signataires du Traité de Londres, et que les engagements des Puissances Allemandes ne se bornent pas à leurs intérêts Allemands, mais qu'ils s'étendent à leurs intérêts Européens.

M. le Comte de Bernstorff déclare que la Prusse a des engagements envers la Confédération, aussi bien qu'envers les Puissances co-signataires, et qu'elle ne pourrait pas plus se dégager des uns que des autres.

MM. les Plénipotentiaires Allemands ayant fait observer que le Gouvernement Danois s'était refusé à soumettre le Traité de 1852 à la Confédération, MM. les Plénipotentiaires Danois contestent ce fait, en ajoutant que si l'accession de la Confédération à ce Traité n'a pas été demandée, cela n'a pas tenu au Gouvernement Danois, qui d'ailleurs soutient l'opinion généralement reçue alors qu'il n'y avait aucune nécessité légale pour cette démarche.

M. le Comte Russell relit la note de M. le Comte de Rechberg, en date du 31 Janvier, en faisant remarquer qu'à cette époque les Gouvernements de l'Autriche et de la Prusse n'avaient pas renoncé au principe de l'intégrité de la Monarchie Danoise.

M. le Comte Apponyi, en se référant à la déclaration commune, lue au commencement de la séance, répond que la question de l'intégrité n'est pas exclue des délibérations, mais que, la situation étant changée depuis, les Puissances Allemandes doivent se réserver toute liberté quant aux bases de la discussion.

M. le Baron de Brunnow dit que Sa Majesté l'Empereur de Russie, en l'autorisant à prendre part à la présente délibération, a placé une entière confiance dans les intentions qui lui ont été manifestées par les Cours de l'Autriche et de la Prusse. Il constate que les instructions dont il est muni sont conçues dans un esprit de conservation. Il rappelle enfin que c'est dans ce but et en vue du rétablissement de la paix que la Conférence s'est réunie.

M. le Comte de Bernstorff soutient que le but de la Conférence doit être de faire une paix solide et durable, et il répète la première partie de la déclaration qu'il a faite vers le commencement de la séance.

M. le Comte de Clarendon, en s'abstenant d'aborder la question de déterminer si la guerre a mis fin aux engagements entre les Puissances Allemandes et le Danemark, tient à constater que la guerre n'absout point les Puissances Allemandes de leur responsabilité envers les autres Puissances co-signataires, et que toute discussion deviendrait impossible à moins que la validité de ces obligations réciproques ne soit reconnue.

M. le Comte de Bernstorff dit que les Gouvernements de l'Autriche et de la Prusse reconnaissent les engagements qu'ils ont pris envers les autres Puissances signataires du Traité, en ce sens qu'ils sont prêts à s'entendre avec elles sur les bases de la pacification. Les Plénipotentiaires seront prêts, en conséquence, à aborder ce sujet dans la prochaine séance de la Conférence, qui est fixée pour le Mardi 17 Mai, à 1 heure.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 4.—Sitting of May 12, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway

THE Protocol of the preceding sitting is read and approved.

Count de Bernstorff announces that he has been informed by telegraph that His Majesty the King of Prussia has accepted the suspension of hostilities by sea and land, from the 12th of May, and has given telegraphic orders in consequence to the Commanders of his respective forces. He adds that there are no hostages in the hands of the Prussian authorities, but that his Government have consented to set at liberty, according to the recommendation of the Conference, the civil prisoners of whom mention was made in the last sitting, with the exception however of spies.

Earl Russell expresses his opinion that the Conference, having succeeded in establishing a suspension of hostilities, should now apply itself to the attainment of the principal object of its convocation. He reads the note dated the 25th of February, 1864, in which the Minister for Foreign Affairs of His Imperial and Royal Apostolic Majesty accepted the invitation, offered to the Government of Austria by that of Great Britain, to assist at the Conference.

This note is expressed in the following terms:—

"The Undersigned, &c., has had the honour to re[illegible] the note by which his Excellency Lord Bloomfield, &c., informs him that his [illegible]rnment propose to the Governments of Austria, Prussia, and Denmark to meet in [illegible]rence in London, without any suspension of hostilities, to consider the means of [illegible]ablishing peace, and that France, Russia, and Sweden, as well as the Germanic Confe[illegible]on, will be invited to take part in these Conferences.

"The Imperial Government entirely agree with th[illegible]overnment in their desire to put an end as soon as possible to the calamities o[illegible]

"The Undersigned consequently loses no time in inf[illegible]d Bloomfield that the Imperial Government accept the proposal of the Court of [illegible] and declare themselves ready at once to enter into Conferences, in which the Pow[illegible]who signed the Treaty of London of May 8, 1852, and the Germanic Confederation, sh[illegible] take part.

"The Undersigned, &c. (Signed) "RECHBERG."

Earl Russell remarks that the basis on which the Conference has met is that of consulting as to the means of re-establishing peace. He considers that it is for the Plenipotentiaries of Austria and Prussia to explain the motives which have induced their Governments to occupy a great part of the Danish territory, and to make known the intentions of their Courts. He hopes that a lasting peace will be the result of their deliberations.

Count Apponyi says, that in his opinion, it would be useless, and would take too long to explain to the Conference the motives which have brought about the occupation of Schleswig and Jutland by the Allied Powers. These motives, moreover, are recorded in despatches which have been published.

The first Plenipotentiary of Prussia then reads the following declaration:—

"Before they can enter into a discussion on the conditions for the re-establishment of peace with Denmark, the Plenipotentiaries of the German Powers think it right to observe that they consider the ground of discussion as entirely free from any restriction resulting from engagements which may have existed before the war between their Governments and Denmark, and that the basis on which fresh combinations may be founded will form, in their opinion, one of the principal objects of the negotiation to be opened. Whilst thus claimin for themselves full liberty of discussion and the power of making such proposals as they may consider to be of a nature to ensure a solid and lasting pacification, the German Powers do not mean to exclude any combination which may tend to attain that object, without prejudicing acquired rights."

The Earl of Clarendon inquires of Count de Bernstorff whether by the engagements

of which he has spoken he intends to imply all Treaties or other engagements, observing that, although war may, strictly speaking, dissolve a Treaty between two Powers who have become belligerents, it cannot release those Powers from their obligations towards the other Powers who joined in the signature of the same Treaty.

Count de Bernstorff replies that this is a question which his Government appear to him to have answered beforehand by declaring themselves ready to treat with the other Powers.

The Earl of Clarendon quotes the following despatch which was addressed to Count de Bernstorff by the Minister for Foreign Affairs of His Majesty the King of Prussia on the 31st January, 1864 :—

"M. le Comte,

"The Government of the King, by basing on the stipulations of 1851-52 the rights which in concert with Austria they are proceeding to enforce upon Denmark, have recognized by that very act the principle of the integrity of the Danish Monarchy, as established by the transactions of 1851-52. The Government of the King, in proceeding to the occupation of Schleswig, have no intention of departing from this principle. If, however, in consequence of complications which might be brought about by the persistence of the Danish Government in their refusal to accomplish their promises of 1852, or of the armed intervention of other Powers in the Dano-German conflict, the Government of the King were to find themselves compelled to renounce combinations which would no longer offer a result proportionate to the sacrifices which events might impose on the German Powers, no definitive arrangements could be made without the concurrence of the Powers who signed the Treaty of London. The British Government would then find the Government of the King ready to come to an agreement with them as to the definitive arrangement of the Dano-German question."

Count de Bernstorff, remarking that the moment indicated in the despatch has arrived, reads the extract of another despatch dated the day before that quoted by Lord Clarendon, in which M. [illegible]ismarck informed him that "in case Denmark should oppose this occupation by arms, [illegible]ry operations must ensue, the consequences of which would have the greater influen[illegible] the subsequent development of the reciprocal relations between Germany and De[illegible], as thereby the Treaties existing between the two countries would cease to be in for[illegible]t would not be till that moment that the question of the integrity of the Danish M[illegible]hy would require a solution. We do not doubt that this question would ther[illegible]d by all the Great Powers with the serious and provident wisdom which is due[illegible]rtant a question," &c.

In answer to a q[illegible]ch is addressed to him by the Earl of Clarendon, who wishes to know wheth[illegible] considers the Treaty of 1852 as having ceased to exist in as far as concerns Den[illegible]ough retaining its validity with regard to the other Powers who joined in its signatu[illegible]unt de Bernstorff expresses the opinion that that Treaty, which moreover has never [illegible] complete, seems to him to have lost its validity, and that it would be better to have re[illegible]ourse to new combinations than to confine the discussion within such narrow limits.

Baron de Brunnow maintains that before abandoning a Treaty which has been ratified by the Powers who signed it in the general interests of Europe, it would be necessary to bring forward reasons which should be generally agreed upon as satisfactory. These reasons must be very grave ones. The Treaty of 1852 was concluded with the object of consolidating the peace of the North, and preserving the balance of power in Europe. It was concluded not only between the Powers actually at war, but also between all the Powers who were parties to it. Their Representatives, now met in Conference, are assuredly at liberty to exchange their ideas as to new combinations to be adopted, provided that they are of a nature to offer guarantees for the peace of Europe equivalent to those on which the system of the balance of power now rests.

Count de Bernstorff would prefer to begin by establishing the bases on which the discussion is to take place, as he thinks that until this preliminary question is settled, it would be useless to enter into the subject of the preliminaries of peace.

Baron de Brunnow observes that he did not speak of bases, but that, in his opinion, the principle of the Treaty of 1852 still exists, since the general interest in which this Act was concluded remains the same.

Count de Bernstorff is of opinion that it would be difficult to admit that the balance of power in Europe depends on the maintenance of the Treaty of London, and thinks that events have sufficiently proved that it is precisely the existence of this Treaty, which it is impossible to execute, which has endangered the balance of power.

The Prince de la Tour d'Auvergne thinks that it would be important for the

Conference to know whether, in the opinion of the German Plenipotentiaries, the arrangements of 1851 and 1852, which appear to have been the cause of the war, could not be completed and surrounded with guarantees which would render them acceptable to the two great German Powers and the Germanic Confederation.

Count de Bernstorff declares that it would be impossible for the German Powers to adopt, as a basis of pacification, the arrangements of 1851-52, which Denmark has not only continually refused to fulfil, but which she has never even consented to recognize as engagements which bound her.

This observation is contested by M. de Quaade, who maintains that Denmark has done everything to fulfil her engagements.

M. de Krieger, whilst insisting on the absolute and binding character of the engagements entered into by the Treaty of London of 1852, explains the reasons why the Danish Government cannot allow that Austria and Prussia are released from those engagements by the sole fact of war having broken out between those Powers and Denmark, and adds several observations on the true sense of the transactions of 1851 and 1852, and on the course of the subsequent negotiations.

Count de Bernstorff replies that the Treaty of London was not concluded, properly speaking, between all the Powers who signed it, but between Denmark and each of the other Powers, who, for this reason, only exchanged ratifications with Denmark. He asks what is the engagement which the Powers have entered into with Denmark. It is to recognize for the future a new order of Succession, which His Majesty the King of Denmark intended to introduce. But this order of Succession has not been introduced in a legal manner as regards the Duchies, since neither the States of the Duchies, nor the Agnates, nor the Germanic Confederation, have consented to it. The object of the engagement does not then exist in reality, since it cannot be supposed that the Powers engaged themselves to recognize for the future anything illegal.

A discussion takes place between the Plenipotentiaries of Prussia, on the one side, and those of Denmark, on the other, on the subject of the Treaty of 1852, as well as with regard to the transactions of 1851 and 1852, and the negotiations which are connected with them.

Baron de Brunnow interferes, and says that the discussion is becoming digressive. He asks to be informed of the conditions which it is proposed to put forward.

Baron de Beust cannot allow an expression, by which M. de Krieger has disputed the competence of the Germanic Confederation, to pass unnoticed. The Confederation, he says, would protest against any arrangement made without its consent. He remarks that the Treaty of 1852 has not been submitted to the Confederation, and that it does not concern the Diet, the latter having, moreover, indirectly rejected it in its sitting of the 25th of February last. The Confederation cannot, however, be unconcerned as to the manner in which this Treaty, which has become a germ of war and perturbation, instead of a security for peace, may be regarded by the Conference. Several indispensable conditions for ensuring the validity of this Treaty have not been fulfilled. He is of opinion that the other Powers cannot require the German Powers to bring forward fresh combinations to replace a Treaty before the question of its validity is settled.

Baron de Brunnow admits that although Russia is bound by the Treaty, the Confederation is not. Having been a party to the Treaty, he may say that he regretted at the time that it was not communicated to the Confederation, but he affirms that an Article of the Treaty expressly reserved the rights and obligations established by the Federal Act.

The Earl of Clarendon remarks in as far as concerns Great Britain, and Baron de Brunnow confirms in regard to the other Powers who joined in the signature of the Treaty, that all the members of the Conference at that time, without exception, showed the deference due to the Germanic Confederation. The Plenipotentiary of Russia pays a tribute of respect to the memory of His late Majesty the King of Prussia. Although his Minister hesitated to sign the Treaty of the 8th of May, that Monarch deigned to grant it his sanction, in order to give a new pledge for the maintenance of the European balance of power.

Baron de Beust does not deny the friendly conduct of the Powers towards the Confederation, and says that the object of the invitation addressed to the Confederation having been to prevent a decision being arrived at which the latter might question, he has considered it his duty not to allow any doubt to exist as to its intentions.

Earl Russell remarks that the German Powers have adhered to the Treaty of London.

M. de Biegeleben observes, that Austria having, in concert with Prussia, declared that

the German Powers are released by the fact of the war from every obligation previously contracted with Denmark, he has not thought fit to discuss with the Plenipotentiaries of Denmark the original value and the execution of the arrangements of 1852; that moreover an experience of twelve years has proved that these arrangements have not fulfilled their object, that they have not satisfied any of the parties interested, and that it has never been possible to come to an understanding as to their true meaning. He thinks that in order to attain the object in view it is necessary to depart from the ground of the interpretation of former stipulations.

Earl Russell makes the observation, that it is not sufficient to destroy, but that it is necessary to construct.

Count Wachtmeister adheres to the views explained by Baron de Brunnow, who having been himself one of those who signed the Treaty of London, is in a position to appreciate its full bearing better than any one else, and observes that as a Plenipotentiary of one of the Powers who signed the Treaty, he must maintain this basis of the negotiations until it is proved that it is insufficient to attain the object of the present Conference, and that before abandoning it, it is at least necessary to be acquainted with the exact nature of the arrangements which it is proposed to substitute for it.

Baron de Brunnow makes a further declaration in the same sense.

The Prince de la Tour d'Auvergne repeats the question which he has already addressed to the German Plenipotentiaries, and asks them whether, in case the arrangements of 1851 and 1852 should not admit of being maintained, it would not be possible in their opinion to substitute for them some fresh combination without departing from the circle traced by the stipulations of the Treaty.

Count de Bernstorff replies, that before putting forward any positive proposals, he desires that the preliminary question should be decided.

The Earl of Clarendon observes, that Prussia has declared that war had been made in consequence of the non-execution of some of her engagements by Denmark, and that if these engagements have become impracticable, he would wish to know what there would be to substitute for them, and what arrangement would appear to be sufficient. He adds that the proposal to abandon the Treaty has been made, but that sufficient reasons for it have not been given.

Count de Bernstorff repeats that until the previous question is decided, it would be difficult to make any positive proposals; and in reply to the Prince de la Tour d'Auvergne, who inquires of him whether the German Powers have decided on any combinations, he says that they have, but that it is necessary that the preliminary question should be settled, and that the field should be open.

Baron de Brunnow insists again on the interests of the balance of power, which he is not authorized by his Government to abandon. He feels compelled to remark that Austria and Prussia, as well as the neutral Powers, signed the Treaty of London, and that the engagements of the German Powers are not confined to their German interests, but that they extend to their European interests.

Count de Bernstorff declares that Prussia has engagements towards the Confederation, as well as towards the Powers who joined with her in the signature of the Treaty, and that she can no more release herself from the one than from the other.

The German Plenipotentiaries having observed that the Danish Government refused to submit the Treaty of 1852 to the Confederation, the Danish Plenipotentiaries contest this fact, and add that if the accession of the Confederation to this Treaty has not been requested, this is not to be attributed to the Danish Government, who, moreover, maintain the opinion generally held at that time that there was no legal necessity for this step.

Earl Russell again reads the note of Count de Rechberg, dated January 31, remarking that at that period the Governments of Austria and Prussia had not renounced the principle of the integrity of the Danish Monarchy.

Count Apponyi, referring to the common declaration, read at the commencement of the sitting, replies that the question of the integrity is not excluded from the deliberations, but that the situation having subsequently changed, the German Powers must reserve to themselves full liberty as to the bases of the discussion.

Baron de Brunnow says, that His Majesty the Emperor of Russia, in authorizing him to take part in the present deliberation, placed entire confidence in the intentions which have been manifested towards him by the Courts of Austria and Prussia. He affirms that the instructions with which he is provided are drawn up in a conservative spirit. He finally remarks that it is with this object, and in view of the re-establishment of peace, that the Conference has met.

Count de Bernstorff maintains that the object of the Conference should be to conclude a solid and durable peace, and he repeats the first part of the declaration which he made at the beginning of the sitting.

The Earl of Clarendon, while abstaining from touching upon the question whether war has put an end to the engagements between the German Powers and Denmark, thinks it right to affirm that war does not absolve the German Powers from their responsibility towards the other Powers who signed the Treaty with them, and that all discussion would become impossible unless the validity of these reciprocal obligations were recognized.

Count de Bernstorff says, that the Governments of Austria and Prussia recognize the engagements which they have taken towards the other Powers who signed the Treaty, in this sense, that they are ready to come to an understanding with them as to the bases of pacification. The Plenipotentiaries will be ready in consequence to enter upon this subject at the next sitting of the Conference, which is fixed for Tuesday, May 17, at 1 o'clock.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 5.—Séance du 17 Mai, 1864.

Présents :

MM. les Plénipotentiaires de l'Autriche ;
MM. les Plénipotentiaires du Danemark ;
M. le Plénipotentiaire de France ;
M. le Plénipotentiaire de la Confédération Germanique ;
MM. les Plénipotentiaires de la Grande Bretagne ;
MM. les Plénipotentiaires de la Prusse ;
M. le Plénipotentiaire de Russie ; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte Russell rappelle l'engagement pris par M. le Comte de Bernstorff d'annoncer dans la séance d'aujourd'hui les bases de pacification que les Cours de l'Autriche et de la Prusse se proposent de soumettre à la Conférence.

M. le premier Plénipotentiaire de la Prusse répond à l'invitation de M. le Comte Russell en donnant lecture de la déclaration suivante :—

"Dans la dernière séance les Plénipotentiaires Allemands ont signalé comme le principal objet des délibérations de la Conférence de trouver la base de nouvelles combinaisons qui soient de nature à assurer une pacification solide et durable. Ils croient devoir expliquer aujourd'hui ce qu'ils entendent sous une pacification solide et durable. C'est une pacification qui assure aux Duchés des garanties absolues contre le retour de toute oppression étrangère, et qui, en excluant ainsi pour l'avenir tout sujet de querelle, de révolution, et de guerre, garantisse à l'Allemagne la sécurité dans le Nord, dont elle a besoin pour ne pas retomber périodiquement dans l'état de choses qui a amené la guerre actuelle. Ces garanties ne sauraient être trouvées que dans l'indépendance politique complète des Duchés étroitement unis par des institutions communes."

M. de Quaade, en prenant toutes les réserves nécessaires contre les motifs sur lesquels sont fondées les propositions Allemandes, demande en quoi consisterait l'union entre les deux Duchés, et par quel lien ils seraient rattachés à la Couronne Danoise.

M. le Comte de Bernstorff répond qu'il s'agirait d'une union constitutionnelle complète, avec des institutions et une représentation communes, et il rappelle cette partie de sa déclaration insérée dans le dernier Protocole, par laquelle les Puissances Allemandes n'entendaient exclure aucune combinaison de nature à assurer une pacification solide et durable, "sans porter préjudice à des droits acquis." Il s'agirait d'établir d'abord quel serait le Souverain légitime de ces Duchés.

M. le Comte de Clarendon fait observer que les droits de Sa Majesté le Roi de Danemark dans les Duchés ont été reconnus par le Traité de 1852 dans un intérêt Européen, et que quoique les Puissances Allemandes ne considèrent plus ce Traité comme valide entre elles et le Danemark, les autres Puissances signataires le regardent toujours comme réciproquement obligatoire. Il serait important de savoir quel serait l'état futur des Duchés, selon les idées de MM. les Plénipotentiaires Allemands, et quelle en serait la position vis-à-vis du Roi de Danemark. Il suppose que les Puissances Allemandes n'ont point perdu de vue ni l'avenir stable qu'elles désirent pour les Duchés, ni leurs obligations envers les Puissances co-signataires du Traité.

M. le Comte de Bernstorff croit avoir expliqué dans la dernière séance que les stipulations du Traité n'ont pas été exécutées, et que la Succession n'a pas été régulièrement établie dans les Duchés.

M. le Comte de Clarendon exprime l'avis qu'avant de déchirer un Traité, il faudrait en donner des raisons très complètes et satisfaisantes, et même alors ne s'en écarter que le moins possible.

M. le Comte de Bernstorff ne saurait admettre que le Traité de 1852 puisse se comparer avec des Traités dont l'exécution a été complète et généralement reconnue depuis longtemps. Les Gouvernements Allemands n'ont pas pu prévoir que l'ordre de Succession serait introduit dans les Duchés par l'omnipotence du Roi de Danemark.

Une discussion s'[illegible]é entre MM. les Plénipotentiaires du Danemark et ceux de la Prusse et de la Confédérati[illegible] Germanique sur le droit de Succession dans les Duchés, et sur la compétence de la Co[illegible]dération.

En ce qui concerne la q[illegible]on du Traité de 1852, M. de Quaade soutient que son Gouvernement le regarde comme étant toujours en vigueur, et M. le Baron de Beust rappelle que sa validité n'a jamais été reconnue par la Confédération.

M. le Comte Russell cite la dépêche de M. de Bismarck, dont M. le Comte de Clarendon a donné lecture dans la dernière séance, comme preuve que jusqu'au 31 Janvi[illegible] dernier les Puissances Allemandes reconnaissaient la validité du Traité, aussi bien qu[illegible] principe de l'intégrité de la Monarchie Danoise.

M. le Comte Apponyi rappelle les réserves faites dans cette dépêche en vue d[illegible] tualités qui pourraient exiger des combinaisons nouvelles.

M. le Prince de la Tour d'Auvergne demande s'il ne serait pas possible de [illegible] une forme plus précise à la proposition faite par MM. les Plénipotentiaires Alleman[illegible]

M. le Comte Apponyi répond que la proposition comprend l'autonomie compl[illegible] Duchés, avec des institutions communes et une entière indépendance sous le ra[illegible] politique et administratif, afin d'éviter les complications qui ont eu lieu jusqu'à prés[illegible] Quant à la question de la Succession, elle est restée ouverte, la Diète n'ayant fait qu'en suspendre la solution sans se prononcer sur les droits du Roi de Danemark.

M. le Comte de Clarendon regarde la proposition comme tendant à effectuer une séparation complète entre les Duchés et la Couronne de Danemark, malgré les réserves faites sur la question de la Succession. Ce serait l'abrogation complète du Traité. Il est d'autant plus nécessaire de comprendre la portée de la proposition, puisque M. le Comte Aponnyi a fait entrevoir la possibilité que la question de Succession ne soit pas decidée en faveur du Roi Chrétien.

M. de Krieger ne comprend pas non plus que la question dynastique puisse rester ouverte; il lui semble que l'idée de MM. les Plénipotentiaires Allemands est d'effectuer une séparation complète et absolue du Holstein et du Slesvig de la Couronne Danoise.

M. le Comte Wachtmeister comprendrait qu'en délibérant sur l'état d'un pays comme la Grèce une question comme celle de la Succession pourrait être laissée ouverte, mais quand il s'agit de deux pays qui ont été réunis depuis des siècles la question dynastique est d'une trop haute importance pour être mise en doute.

M. de Biegeleben est d'avis que la question devrait être décidée d'après les lois Fédérales, et il expose que la Diète Germanique ne pourrait [illegible] disposer du vote, actuellement suspendu, du Holstein, sans que le point de droit fût éc[illegible]irci dans les voies légales.

M. le Comte Russell rappelle que lors de la Succession du Roi [illegible]uel, la Diète a ordonné une exécution dans le Holstein, et que la Prusse et l'Autriche ont occupé le Slesvig, sans faire des réserves sur la question dynastique.

M. le Comte de Bernstorff fait remarquer qu'au contraire des réserves ont été faites.

M. le Comte Russell soutient que ces réserves n'ont jamais été communiquées officiellement à la Grande Bretagne.

M. le Comte Apponyi émet l'avis que la Confédération est plutôt appelée à considérer cette partie de la question que la Conférence, qui n'est pas un tribunal compétent.

M. le Baron de Beust insiste sur le droit de la Confédération de régler la Succession dans le Holstein. La Confédération ne saurait permettre que la question soit préjugée.

M. le Comte de Clarendon ne conçoit pas que la Confédération puisse avoir une prétention pareille quant à la Succession dans le Slesvig; elle lui semble n'avoir jamais réclamé le droit d'ordonner une exécution dans ce Duché.

M. de Balan dit que les droits de la Confédération dans le Slesvig ne s'étendent pas en effet jusque là, mais qu'elle a des droits plutôt internationaux dans ce Duché.

M. le Baron de Brunnow constate qu'il n'a été question que du Holstein dans les Actes Fédéraux, qu'il s'est fait un devoir de consulter, et que ces actes ne s'étendent nullement au Slesvig.

M. de Balan explique qu'il a voulu parler des stipulations faites plus tard en 1851 et 1852.

M. le Baron de Beust soutient que la Confédération est intéressée dans la question de la Succession dans le Slesvig, d'abord par rapport à l'union constitutionnelle avec le Holstein, et ensuite en vue des prétentions que le Duc de Holstein aurait à élever à titre d'hérédité.

Pendant une discussion qui a lieu entre MM. les Plénipotentiaires de la Prusse et ceux du Danemark, M. de Quaade, pour répondre à une observation dans laquelle M. le Comte de Bernstorff avait parlé d'une déclaration faite par le Ministre du Roi de Danemark à la Diète en 1846, au sujet de l'union des Duchés, donne lecture d'un extrait de l'annexe à la dépêche du Ministre Président d'Autriche à l'Envoyé d'Autriche à Copenhague, datée du 26 Décembre, 1851, dans laquelle le Cabinet de Vienne a déclaré que "quant aux autres déclarations que dans la séance du 7 Septembre, 1846, le Roi Christian VIII a données, *motu proprio*, à la Diète, que celle-ci a reconnues pour satisfaisantes, et suivant lesquelles il n'était pas dans la pensée du Roi d'apporter aucun changement aux rapports qui reliaient alors le Holstein au Duché de Slesvig, le Gouvernement actuel estime qu'elles ne conviennent plus sous tous les rapports à l'état de choses actuel; il est convaincu que la communauté des deux Duchés, relativement à l'administration et au tribunal suprême, qui avait existé depuis 1834, et que les événements récents ont abolie par le fait, doit rester abolie à l'avenir. A l'égard de ces points la Cour Impériale reconnaît que les déclarations citées du 7 Septembre, 1846, avaient pour base la situation qui existait à cette époque, et n'avaient point pour effet légal de faire dépendre de l'assentiment de la Confédération les résolutions que des circonstances modifiées pouvaient amener le Roi à prendre en vertu de ses droits souverains à l'égard de la connexité en question, attendu que ces résolutions n'intéressaient pas la compétence légale de la Confédération Germanique. Le Gouvernement Impérial, pour sa part, n'élevera donc pas d'objections à l'abolition de la dite communauté, et il emploiera même son influence pour que la dite mesure ne rencontre pas de difficultés de la part de la Diète Fédérale."

M. de Balan ayant fait observer que cette dépêche n'est qu'une preuve des ménagements que les Cours de l'Autriche et de la Prusse ont témoignés alors envers le Roi de Danemark, M. de Krieger donne lecture de l'extrait d'une dépêche adressée en date du 18 Mars dernier au Ministre de Danemark à Londres, pour faire voir combien il est impossible aux Plénipotentiaires Danois d'admettre la compétence de la Diète dans les affaires du Slesvig. Cette dépêche, qui annonce au Gouvernement Anglais l'adhésion de celui du Danemark au projet d'une Conférence, dit expressément: "Pour le succès des négociations éventuelles, il est absolument indispensable enfin que tout projet de solution soit écarté d'avance qui semblerait impliquer, directement ou indirectement, une influence quelconque de la part de la Diète Germanique sur des territoires n'appartenant pas à la Confédération."

A l'invitation de M. le Comte Russell, M. le Comte de Bernstorff relit la déclaration contenant la proposition qu'il avait faite au commencement de la séance.

M. le Prince de la Tour d'Auvergne constate que quelles que soient les précautions de forme qui ont été observées, la proposition tend à établir l'indépendance complète des Duchés.

M. de Quaade soutient que la discussion devient inutile, si elle n'a pas pour base que les Duchés sont attachés à la Couronne Danoise. Si ces pays n'appartiennent pas au Roi, comment expliquer la présence des Plénipotentiaires Danois à la Conférence?

D'ailleurs, quand est-ce que la Diète arriverait à une décision? Il a tant de confiance dans les sentiments de justice qui animent la Confédération, ainsi que dans la justice de la cause du Danemark, qu'il ne craindrait nullement un examen de la Succession Holsteinoise par la Confédération; mais il ne saurait admettre la compétence de ce corps politique sur ce point, et en tout cas, pour que la Conférence aboutisse, il est indispensable qu'aucun élément essentiel ne soit soustrait à son appréciation.

M. de Bille relève une expression dans la déclaration de M. le Comte de Bernstorff qui fait mention de l'oppression étrangère dans les Duchés. Il la trouve blessante pour le Danemark.

M. le Comte de Bernstorff donne l'assurance qu'il n'y a aucune intention blessante dans l'expression, et que c'est au contraire par égard pour MM. les Plénipotentiaires Danois que les Plénipotentiaires de l'Autriche et de la Prusse ont cru devoir choisir cette expression générale au lieu de la préciser.

M. de Krieger rappelle que M. de Quaade a déjà pris les réserves nécessaires contre les motifs des propositions Allemandes.

M. le Baron de Brunnow ne comprend pas le sens de la proposition. Il s'attendait à un programme qui pourrait amener à une paix solide et durable.

M. de Biegeleben ayant demandé pourquoi la question de la Succession ne pourrait pas être laissée à la Diète, M. le Comte de Clarendon répond qu'il faudrait au moins deux ans pour en référer à la Diète, et que l'occupation de Slesvig durerait pendant tout ce temps; et M. le Comte Russell ajoute qu'il y aurait beaucoup de danger dans cette occupation presque permanente. MM. les Plénipotentiaires de la Grande Bretagne ne doutent pas que la Diète ne donnât un verdict juste et équitable; mais ce serait dépouiller le Danemark de ses droits d'une manière indirecte, et la Conférence s'est réunie pour mettre fin au *status quo*, et non pas pour le prolonger.

M. le Prince de la Tour d'Auvergne répète qu'il faudrait préciser la proposition, et demande si les Gouvernements alliés ont en vue la séparation complète.

M. le Comte de Bernstorff répond que ce serait ainsi dans le cas où la question serait décidée contre le Roi de Danemark.

M. le Comte de Clarendon fait observer que la proposition est tellement vague qu'aucun Membre de la Conférence ne peut en saisir la portée.

M. le Baron de Brunnow s'exprime dans le même sens, et dit que l'on ne peut pas consentir à apporter un changement au Traité sans savoir en quoi ce changement consisterait.

M. le Comte de Bernstorff assure qu'il n'a eu aucune intention de rester dans le vague, et explique que l'Autriche et la Prusse demandent pour les Duchés une complète indépendance de toute influence Danoise.

A une question par laquelle M. le Comte Russell demande si MM. les Plénipotentiaires du Danemark ont des conditions de paix à proposer, M. de Quaade répond en rappelant qu'en acceptant la proposition d'une Conférence pour aviser aux moyens de rétablir la paix, le Gouvernement Danois n'a pas cessé de supposer que les transactions intervenues pendant l'hiver de 1851–52 entre le Danemark et les deux Grandes Puissances Allemandes formeraient la base des délibérations de la Conférence.

M. le premier Plénipotentiaire du Danemark ajoute qu'il est vrai qu'en faisant dépendre de cette condition son adhésion au projet d'une Conférence, le Gouvernement Danois n'a point insisté pour que la base indiquée par lui fût acceptée par les Puissances Allemandes avant la réunion de la Conférence, et il n'a donc pas absolument exclu des délibérations un arrangement reposant sur une autre base. Mais la base de l'arrangement proposé par MM. les Plénipotentiaires des Puissances Allemandes s'écarte tellement de la base indiquée par le Cabinet de Copenhague que les Plénipotentiaires Danois doivent la considérer comme entièrement inadmissible.

La question de M. le Comte Russell ayant été répétée par M. le Baron de Brunnow, M. de Quaade déclare de nouveau que le Danemark maintient toujours la base des arrangements de 1851 et 1852; et que de là découle pour les Duchés une organisation politique qui leur assure, à chacun d'eux, l'indépendance et l'autonomie qui leur reviennent de droit.

M. Biegeleben demande pourquoi les Duchés ne jouiraient pas de la même indépendance vis-à-vis du Danemark dont jouit la Norvège vis-à-vis de la Suède.

M. de Quaade soutient que, même abstraction faite du Traité de 1852, les Duchés, au moins celui de Slesvig, font partie intégrante de la Couronne Danoise; et M. de Krieger signale, parmi les raisons nombreuses qui s'opposent à l'établissement de ce parallèle, la différence évidente dans les positions géographiques respectives du Slesvig et de la Norvège.

M. de Krieger continue en disant qu'ainsi que M. de Quaade l'a rappelé, le Gouvernement Danois a toujours supposé que les transactions de 1851 et 1852 formeraient la base des délibérations de la Conférence. Mais MM. les Plénipotentiaires Autrichiens et Prussiens n'ayant voulu donner aucune explication sur la portée qui, à leur point de vue, revient de droit à ces transactions, les Plénipotentiaires Danois ne sauraient faire aucune proposition utile, puisqu'ils ignorent à présent, comme par le passé, s'il serait possible d'écarter les obstacles que les Puissances Allemandes opposent à la liberté d'action du Gouvernement Danois.

M. le Comte de Bernstorff déclare que ses instructions ne lui permettent pas de discuter les transactions de 1851 et 1852.

M. de Biegeleben ne voit pas pourquoi MM. les Plénipotentiaires Danois ne prendraient pas la proposition des Puissances Allemandes *ad referendum*.

Ces Plénipotentiaires affirment que la proposition serait entièrement inadmissible, même dans la supposition qu'une décision de la Diète admît les droits de Sa Majesté le Roi de Danemark.

M. le Baron de Beust croit devoir constater que les Plénipotentiaires de l'Autriche et de la Prusse sont de l'avis qu'en faisant leur proposition, ils ne songent nullement à remettre les Duchés entre les mains du Danemark, avant que la question de droit ne soit jugée par la Confédération Germanique.

M. le Prince de la Tour d'Auvergne fait observer que ce ne serait pas alors une solution, et quant à la combinaison de l'union personnelle en elle-même, il la considère également comme n'étant pas une solution. Elle laisse subsister entièrement l'antagonisme qui existe entre les deux populations, et n'écarte nullement pour l'avenir les complications auxquelles l'état de choses actuel a donné lieu.

M. le Plénipotentiaire de Russie s'est exprimé en ces termes :—

" L'Empereur en m'appelant à l'honneur de le représenter dans cette réunion, a daigné me confier le soin d'amener entre le Danemark et l'Allemagne une réconciliation sincère et durable, dans l'intérêt général du rétablissement de la paix.

" Ce but ne saurait être atteint que par une transaction honorable, librement consentie par les deux parties.

" Le devoir qui m'est imposé, d'ordre de l'Empereur, consiste à contribuer à accomplir ce résultat dans un véritable esprit de conciliation et de concorde. Les instructions dont je suis muni me prescrivent d'écarter les résolutions extrêmes et de tâcher d'ouvrir la voie à une entente à l'amiable. Dans cette intention je désire d'une part que l'arrangement qui interviendra soit placé sous la protection de garanties efficaces, satisfaisantes pour l'Allemagne, et destinées à prévenir le retour de nouvelles complications ; de l'autre je dois veiller à ce que la Monarchie Danoise conserve parmi les Puissances de l'Europe le rang, la dignité, et l'indépendance nationale que la Cour de Russie regarde comme un élément nécessaire de l'équilibre général et du maintien de la paix du Nord.

"La question qui nous occupe se résume à savoir quelles garanties seront jugées de nature à satisfaire à la fois aux réclamations de l'Allemagne, aux droits du Danemark, aux intérêts de l'Europe.

"Nous venons d'entendre les propositions de MM. les Plénipotentiaires des Cours d'Allemagne. Elles seront consignées dans le Protocole de la présente séance.

"Je m'abstiendrai d'entrer en examen de leur portée et de leur mérite, avant de connaître la pensée de la Cour de Danemark. La confiance que j'ai dans les sentiments élevés de Sa Majesté le Roi me dit que ce Souverain, inaccessible à toute considération personnelle, prendra uniquement conseil des vrais intérêts de son pays. Il ne m'appartient point de préjuger les déterminations du Gouvernement Danois. Je respecte la liberté des décisions qu'il arrêtera dans sa sagesse.

" Lorsqu'elles auront été portées à la connaissance de l'Empereur, Sa Majesté daignera me transmettre les ordres qui serviront de règle à ma conduite.

"Jusque là je m'abstiens d'une discussion, à mon avis, prématurée, et je me borne à réserver l'opinion de ma Cour."

M. le Plénipotentiaire de Suède et Norvège annonce que ses instructions lui prescrivent de déclarer que son Gouvernement considère la solution qui consisterait dans l'autonomie absolue des Duchés, même sous une union personnelle sous le Roi de Danemark, comme inadmissible et destructive de l'intégrité de la Monarchie Danoise.

M. le Plénipotentiaire de la Confédération Germanique croit devoir rappeler qu'il ne s'est pas associé à la proposition faite par les Plénipotentiaires de l'Autriche et de la Prusse ; et que, sans en être chargé par ses instructions, il ne peut s'empêcher d'affirmer officieusement que la majorité de la Diète ne consentira point à un arrangement qui, même sous une forme éventuelle ou conditionnelle, rétablirait une union entre les Duchés et le Danemark.

MM. les Plénipotentiaires conviennent de remettre la prochaine réunion de la Conférence au Samedi 28 Mai, à 1 heure.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 5.—Sitting of May 17, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Earl Russell recalls the engagement taken by Count de Bernstorff to announce in to-day's sitting the bases of pacification which the Courts of Austria and Prussia propose to submit to the Conference.

The first Plenipotentiary of Prussia replies to Earl Russell's invitation by reading the following declaration:—

"In the last sitting the German Plenipotentiaries pointed out that the principal object of the deliberations of the Conference was to find the basis of new combinations which should be of a nature to ensure a solid and durable pacification. They think it right to explain to-day what they understand by a solid and durable pacification. It is a pacification which would assure to the Duchies absolute guarantees against the recurrence of any foreign oppression, and which, by thus excluding for the future any subject of dispute, of revolution, and of war, would guarantee to Germany that security in the North which she requires in order not to fall again periodically into the state of affairs which brought on the present war. These guarantees can only be found in the complete political independence of the Duchies, and their close connection by means of common institutions."

M. de Quaade, making all the necessary reservations with regard to the motives on which the German proposals are founded, asks in what the union between the two Duchies would consist, and by what tie they would be attached to the Danish Crown.

Count de Bernstorff replies that the union in question would be a complete constitutional one, with common institutions and a common representation; and he refers to that part of his declaration inserted in the last Protocol, in which the German Powers declared their intention of not excluding any combination which might be of a nature to ensure a solid and durable pacification "without prejudicing acquired rights." It would first be necessary to ascertain who would be the legitimate Sovereign of these Duchies.

The Earl of Clarendon observes that the rights of His Majesty the King of Denmark in the Duchies have been recognized by the Treaty of 1852 in the interest of Europe, and that although the German Powers no longer consider this Treaty as valid between them and Denmark, the other Powers who signed it still regard it as reciprocally binding. It would be important to know what would be the future state of the Duchies, according to the ideas of the German Plenipotentiaries, and what would be their position in relation to the King of Denmark. He supposes that the German Powers have not lost sight either of the stable future which they desire for the Duchies, or of their obligations towards the Powers who joined in the signature of the Treaty.

Count de Bernstorff thinks he explained in the last sitting that the stipulations of the Treaty have not been executed, and that the Succession has not been regularly established in the Duchies.

The Earl of Clarendon expresses his opinion that, before tearing up a Treaty, it would be necessary to give very complete and satisfactory reasons, and even then only to depart from it as little as possible.

Count de Bernstorff cannot admit that the Treaty of 1852 can be compared to Treaties the execution of which has been complete and generally recognized for a long period. The German Governments could not foresee that the order of Succession would be introduced into the Duchies by the King of Denmark's sole power.

A discussion takes place between the Plenipotentiaries of Denmark and those of Prussia and the Germanic Confederation as to the law of Succession in the Duchies, and the competence of the Germanic Confederation.

In as far as concerns the question of the Treaty of 1852, M. de Quaade maintains that his Government consider it as being still in force, and Baron de Beust remarks that its validity has never been recognized by the Confederation.

Earl Russell quotes the despatch of M. de Bismark, which the Earl of Clarendon read in the last sitting, as a proof that up to the 31st of January last the German Powers recognized the validity of the Treaty, as well as the principle of the integrity of the Danish Monarchy.

Count Apponyi refers to the reservation made in that despatch in view of eventualities which might require new combinations.

The Prince de la Tour d'Auvergne asks whether it would not be possible to give a more precise form to the proposal made by the German Plenipotentiaries.

Count Apponyi replies that the proposal comprises the complete autonomy of the Duchies, with common institutions and entire independence in their political and administrative relations, in order to avoid the complications which have hitherto taken place. As to the question of the Succession, it remains open, the Diet having only suspended its solution, without pronouncing on the rights of the King of Denmark.

The Earl of Clarendon regards the proposal as tending to effect a complete separation between the Duchies and the Crown of Denmark, notwithstanding the reservations made as to the question of Succession. It would be the complete abrogation of the Treaty. It is so much the more necessary to understand the bearing of the proposal, as Count Apponyi has admitted the possibility of the question of Succession not being decided in favour of King Christian.

M. de Krieger does not understand either that the dynastic question can remain open. It appears to him that the idea of the German Plenipotentiaries is to effect a complete and absolute separation of Holstein and Sleswig from the Danish Crown.

Count Wachtmeister could understand that in deliberating on the state of a country like Greece a question like that of the Succession might be left open, but when the question relates to two countries which have been united for centuries, the dynastic question is of too great importance to be left in doubt.

M. de Biegeleben is of opinion that the question should be decided according to the Federal laws, and he points out that the Germanic Diet could not dispose of the vote of Holstein, at present suspended, unless the question of right was decided in the legal course.

Earl Russell remarks that, on the accession of the present King, the Diet ordered an Execution in Holstein, and that Prussia and Austria occupied Sleswig, without making any reservations as to the dynastic question.

Count de Bernstorff remarks, on the contrary, that reservations were made.

Earl Russell maintains that those reserves were never officially communicated to Great Britain.

Count Apponyi expresses his opinion that the Confederation is called upon to consider this part of the question rather than the Conference, which is not a competent tribunal.

Baron de Beust insists on the right of the Confederation to settle the Succession in Holstein. The Confederation cannot allow the question to be prejudged.

The Earl of Clarendon cannot suppose that the Confederation has any such pretensions as regards the Succession in Sleswig; it does not appear to have ever claimed the right of decreeing an Execution in that Duchy.

M. de Balan says that the rights of the Confederation as to Schleswig do not in fact extend to that point, but that it rather possesses international rights as to that Duchy.

Baron de Brunnow affirms that Holstein only is mentioned in the Federal Acts, which he has made it his duty to consult, and that those Acts in no way extend to Sleswig.

M. de Balan explains that he alluded to the stipulations made later in 1851 and 1852.

Baron de Beust maintains that the Confederation is interested in the question of the Succession in Schleswig, firstly, with regard to its constitutional union with Holstein, and further in view of the pretensions which the Duke of Holstein may have to assert on the ground of hereditary rights.

During a discussion which takes place between the Plenipotentiaries of Prussia and those of Denmark, M. de Quaade, in answer to an observation in which Count de Bernstorff had spoken of a declaration made by the Minister of the King of Denmark to the Diet in 1846, on the subject of the union of the Duchies, reads an extract from the annex to the despatch of the Minister President of Austria to the Austrian Envoy at Copenhagen, dated the 26th December, 1851, in which the Cabinet of Vienna declared that "as to the other declarations which in the sitting of the 7th September, 1846, King Christian VIII made, *motu proprio*, to the Diet, which the latter recognized as satisfactory, and according to which it was not the intention of the King to make any change in the relations which then connected Holstein with the Duchy of Sleswig, the present Government are of opinion that they are no longer in any respect adapted to the present state of things; they are convinced that the connexion between the two Duchies with regard to the administration and the supreme tribunal which had existed since 1834, and which recent events have actually abolished, should remain abolished for the future. With regard to these points the Imperial Court recognizes that the said declaration of the 7th September, 1846, was based on the situation existing at that period, and had in no way the legal effect of rendering dependent on the assent of the Confederation the resolutions which modified circumstances might induce the King to take in virtue of his sovereign rights with regard to the connexion in question, considering that these resolutions did not come within the legal competence of the Germanic Confederation. The Imperial Government, therefore, on their part, will not raise any objection to the abolition of the said connexion, and they will even employ their influence in order that the said measure may not meet with any difficulties on the part of the Federal Diet."

M. de Balan having observed that this despatch is only a proof of the consideration shown to the King of Denmark at that time by the Courts of Austria and Prussia, M. de Krieger reads the extract of a despatch addressed on the 18th of March last to the Danish Minister in London, in order to show how impossible it is for the Danish Plenipotentiaries to admit the competence of the Diet in the affairs of Schleswig. This despatch, which announces to the English Government the adhesion of that of Denmark to the plan of a Conference, says expressly: "Finally, for the success of eventual negotiations, it is absolutely indispensable that any plan of arrangement which would seem directly or indirectly to imply any influence on the part of the Germanic Diet over territories not belonging to the Confederation, should be previously put aside."

At Earl Russell's request, Count de Bernstorff again reads the declaration containing the proposal which he made at the commencement of the sitting.

The Prince de la Tour d'Auvergne affirms that whatever may be the precautions of form which have been observed, the proposal tends to establish the complete independence of the Duchies.

M. de Quaade maintains that the discussion is useless unless it is on the basis that the Duchies are attached to the Danish Crown. If these countries do not belong to the King, how can the presence of the Danish Plenipotentiaries at the Conference be explained? Moreover, when will the Diet arrive at a decision? He has such confidence in the sentiments of justice which animate the Confederation, as well as in the justice of the cause of Denmark, that he would in no way fear an examination of the Holstein Succession by the Confederation; but he cannot admit the competence of that political body on this point, and in any case, in order that the Conference may come to a result, it is indispensable that no essential element should be withdrawn from its appreciation.

M. de Bille comments upon an expression in Count de Bernstorff's declaration which makes mention of foreign oppression in the Duchies. He considers it injurious to Denmark.

Count de Bernstorff gives an assurance that there is no injurious intention in the expression, and that, on the contrary, it is from deference for the Danish Plenipotentiaries that the Plenipotentiaries of Austria and Prussia have thought it right to select this general expression, instead of specifying it.

M. de Krieger remarks that M. de Quaade has already made all the necessary reservations with regard to the motives of the German proposals.

Baron de Brunnow does not understand the meaning of the proposal. He expected a programme which might lead to a solid and durable peace.

M. de Biegeleben having inquired why the question of the Succession should not be left to the Diet, the Earl of Clarendon replies that it would require at least two years to refer it to the Diet, and that the occupation of Sleswig would continue during all that time; and Earl Russell adds that there would be much danger in this almost permanent occupation. The Plenipotentiaries of Great Britain do not doubt but that the Diet would give a just and equitable verdict; but it would be depriving Denmark of her rights in an indirect manner, and the Conference has met in order to put an end to the *status quo*, and not to prolong it.

The Prince de la Tour d'Auvergne repeats that the proposal must be clearly defined, and asks if the allied Governments have the complete separation in view.

Count de Bernstorff replies that it would be so, in case the question was decided against the King of Denmark.

The Earl of Clarendon observes that the proposal is so vague that no member of the Conference can understand its bearing.

Baron de Brunnow expresses himself in the same sense, and says that it is impossible to consent to make an alteration in the Treaty without knowing in what such alteration would consist.

Count de Bernstorff assures them that he has no intention of expressing himself vaguely, and explains that Austria and Prussia demand for the Duchies a complete independence from all Danish influence.

To a question by which Earl Russell inquires whether the Plenipotentiaries of Denmark have conditions of peace to propose, M. de Quaade replies by recalling the fact that in accepting the proposal of a Conference to consider the means of restoring peace, the Danish Government never ceased to suppose that the transactions which took place during the winter of 1851-52 between Denmark and the two great German Powers would form the basis of the deliberations of the Conference.

The first Plenipotentiary of Denmark adds that it is true that in making their adhesion to the plan of a Conference dependent on this condition, the Danish Government did not insist on the basis indicated by them being accepted by the German Powers before the meeting of the Conference, and they did not, therefore, absolutely exclude from the deliberations an arrangement resting on another basis. But the basis of arrangement proposed by the Plenipotentiaries of the German Powers diverges so widely from the basis indicated by the Cabinet of Copenhagen that the Danish Plenipotentiaries must consider it as entirely inadmissible.

Earl Russell's question having been repeated by Baron de Brunnow, M. de Quaade again declares that Denmark still maintains the basis of the arrangements of 1851 and 1852; and that from these arrangements the Duchies derive a political organization which assures to each of them the independence and autonomy which of right belong to them.

M. de Biegeleben inquires why the Duchies should not enjoy the same independence in their relations with Denmark as Norway does with regard to Sweden.

M. de Quaade maintains that, even leaving the Treaty of 1852 out of the question, the Duchies, at least that of Sleswig, are an integral part of the Danish Crown; and M. de Krieger points out, amongst the numerous reasons which exist against the establishment of this comparison, the evident difference in the respective geographical positions of Sleswig and Norway.

M. de Krieger goes on to say that, as M. de Quaade has remarked, the Danish Government always supposed that the transactions of 1851 and 1852 would form the basis of the deliberations of the Conference. But the Austrian and Prussian Plenipotentiaries having declined to give any explanation as to the bearing which, in their views, belongs of right to these transactions, the Danish Plenipotentiaries are unable to make any useful proposal, as they are ignorant, at present, as they were before, whether it would be possible to remove the obstacles which the German Powers throw in the way of the liberty of action of the Danish Government.

Count de Bernstorff declares that his instructions do not allow of his discussing the transactions of 1851 and 1852.

M. de Biegeleben does not see why the Danish Plenipotentiaries should not take the proposal of the German Powers *ad referendum*.

These latter Plenipotentiaries affirm that the proposal would be entirely inadmissible, even on the supposition that a decision of the Diet admitted the rights of His Majesty the King of Denmark.

Baron de Beust thinks it right to state that the Plenipotentiaries of Austria and Prussia are of opinion that, in making their proposal, they in no way think of placing

the Duchies again in the hands of Denmark before the question of right has been judged by the Germanic Confederation.

The Prince de la Tour d'Auvergne observes that this would not then be a solution; and as to the combination of the personal union in itself, he considers it equally as not being a solution. It allows the antagonism existing between the two populations to subsist in its full force, and in no way prevents, for the future, the complications to which the present state of affairs has given rise.

The Plenipotentiary of Russia expressed himself in the following terms:—

"The Emperor by conferring on me the honour of representing him in this Conference, deigned to entrust to me the task of bringing about a sincere and lasting reconciliation between Denmark and Germany, in the general interests of the restoration of peace.

"This object can only be accomplished by an honourable transaction freely consented to by both parties.

"The duty which is imposed on me, by order of the Emperor, consists in contributing o accomplish this result in a real spirit of conciliation and concord. The instructions with hich I am provided direct me to prevent extreme resolutions, and to endeavour to open he way to an amicable understanding. With this intention I desire, on the one hand, that he arrangement which may take place should be placed under the protection of effectual uarantees, satisfactory to Germany, and destined to prevent the return of fresh complications: I am bound, on the other, to take care that the Danish Monarchy shall preserve mongst the Powers of Europe, the rank, the dignity and the national independence which he Court of Russia regards as a necessary element of the balance of power and the maintenance of peace in the North.

"The question which occupies us, consists in discovering what guarantees may be onsidered of a nature to satisfy at once the demands of Germany, the rights of Denmark, the interests of Europe.

"We have just heard the proposals of the Plenipotentiaries of the Courts of Germany. be recorded in the Protocol of the present sitting.

abstain from entering into an examination of their bearing and merits, until with the opinions of the Court of Denmark. The confidence which I d sentiments of His Majesty the King assures me that that Sovereign, sonal considerations, will only be advised by the true interests of to prejudge the determinations of the Danish Government. cisions which they may come to in their wisdom.

brought to the knowledge of the Emperor, His Majesty will rders which will serve to guide my conduct.

om a discussion, in my opinion, premature, and I confine n of my Court."

weden and Norway announces that his instructions direct ment consider a solution consisting in the absolute inden under a personal union under the King of Denmark, f the integrity of the Danish Monarchy.

Germanic Confederation thinks it right to remark that he made by the Plenipotentiaries of Austria and Prussia; and do so by his instructions, he cannot help affirming officiously t will not consent to an arrangement which, even under an ventual or conditio would restore the union between the Duchies and Denmark.

The Plenipotenti ree to adjourn the next meeting of the Conference to Saturday, May 28, at 1 o'clock.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUS LL.
CLAR DON.
BERNST RFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 6.—Séance du 28 Mai, 1864.

Présents :

MM. les Plénipotentiaires de l'Autriche ;
MM. les Plénipotentiaires du Danemark ;
M. le Plénipotentiaire de France ;
M. le Plénipotentiaire de la Confédération Germanique ;
MM. les Plénipotentiaires de la Grande Bretagne ;
MM. les Plénipotentiaires de la Prusse ;
M. le Plénipotentiaire de Russie ; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte Russell demande à MM. les Plénipotentiaires Allemands s'ils ont des propositions à faire à la Conférence.

M. le Comte Apponyi répond en donnant lecture d'une proposition conçue en ces termes :—

" Après que les demandes de l'Autriche et de la Prusse, présentées dans la dernière séance de la Conférence, ont été déclarées entièrement inadmissibles par MM. les Plénipotentiaires Danois, même dans la supposition qu'une décision de la Diète admît les droits de Succession de Sa Majesté le Roi de Danemark dans les Duchés, les Plénipotentiaires des Puissances Allemandes ont reçu l'ordre de demander, de concert avec le Plénipotentiaire de la Confédération Germanique, la séparation complète des Duchés de Schleswig et de Holstein du Royaume de Danemark, et leur réunion dans un seul Etat sous la souveraineté du Prince Héréditaire de Schleswig-Holstein-Sonderbourg-Augustenbourg, qui peut non seulement faire valoir, aux yeux [redacted] le plus de droits à la Succession dans les dits Duchés, et dont la reconn[redacted] la Diète Germanique est assurée en conséquence, mais qui réunit aussi les suf[redacted]ubitables de l'immense majorité des populations de ces pays."

M. le Comte Russell donne lecture ensuite de la déclaration suivante :—

" Les Plénipotentiaires de la Grande Bretagne ont vu avec un vif regret que la dernière séance de la Conférence n'a pas eu pour résultat d'établir les bases d'un accord entre l'Allemagne et le Danemark.

" Selon nous on ne saurait pas trouver les éléments d'une paix solide et durable, ni dans les engagements de 1851, lesquels pendant douze ans n'ont porté d'autre fruit que dissentiments et troubles, ni dans l'analyse d'un droit obscur et compliqué.

" Mais à moins de pouvoir poser les bases d'une paix solide et durable, il n'est pas de la compétence des Puissances neutres de renoncer au Traité solennel par lequel elles ont reconnu l'intégrité de la Monarchie Danoise, et elles ne pourraient non plus concourir à un nouvel arrangement qui serait insuffisant pour l'Allemagne, ou humiliant pour le Danemark.

" Il faut donc chercher ailleurs les éléments d'une paix solide et durable.

" Depuis de longues années une vive sympathie envers leurs frères sujets du Roi de Danemark anime les Allemands de la Confédération Germanique. Les Danois, de leur côté, sont inspirés par l'amour de l'indépendance et le désir de maintenir leur ancienne Monarchie. Ces sentiments, de part et d'autre, méritent [redacted] de l'Europe.

" Pour prévenir une lutte future, et pour satisfaire à l'Allemagne, il faudrait, selon nous, séparer entièrement de la Monarchie Danoise, le Holstein, le Lauenbourg, et la partie méridionale du Slesvig.

" Pour justifier un sacrifice aussi vaste de la part du Danemark, et pour maintenir l'indépendance de la Monarchie Danoise, il est à désirer, selon nous, que la ligne de la frontière ne soit pas tracée plus au nord que l'embouchure de la Slei et la ligne du Dannewerke.

" Il faut aussi pour la sécurité du Danemark que la Confédération Germanique n'érige et ne maintienne pas des forteresses, ni n'établisse pas des ports fortifiés, dans le territoire cédé par le Danemark.

" Un arrangement équitable de la dette publique, et la renonciation par l'Autriche, la Prusse, et la Confédération Germanique, à tout droit d'ingérence dans les affaires intérieures du Danemark, serviraient à compléter les relations amicales entre l'Allemagne et le Danemark.

" Il reste une question qui ne serait pas l'objet du Traité de Paix, mais qui intéresse l'Allemagne et ne peut pas être passée sous silence. Dans l'opinion des Plénipotentiaires de la Grande Bretagne, il doit être entendu que la destinée future du Duché de Holstein,

du Duché de Lauenbourg, et de la partie méridionale du Duché de Slesvig qui sera annexée au Duché de Holstein, ne sera pas réglée sans leur consentement.

"Si le Roi de Danemark consent aux sacrifices de territoire qu'au nom de la paix on lui demande, il sera juste que l'indépendance de son Royaume soit garantie par les Grandes Puissances Européennes."

M. le Baron de Brunnow, répondant d'abord à la proposition de MM. les Plénipotentiaires Allemands, exprime le sentiment de regret que lui fait éprouver cette proposition, à laquelle il ne s'attendait nullement. Ce plan aurait pour objet de détacher de la Monarchie Danoise le Holstein et le Slesvig en entier, et de placer cet Etat sous une Dynastie nouvelle. D'abord, en ce qui regarde l'arrangement territorial projeté, de quel droit disposerait-on de ces contrées? Elles sont occupées de fait par les alliés, mais de droit elles ne leur appartiennent point.

M. le Plénipotentiaire de Russie ne saurait donc se persuader qu'il soit de l'intention des Cours d'Autriche et de Prusse de disposer de ces territoires, et cela sans une entente préalable avec les autres Puissances. Il rappelle l'engagement que les deux Cours ont pris envers les Puissances signataires du Traité de Londres, de s'entendre avec elles sur les bases de la pacification. Il constate que cet engagement a été reconnu de nouveau dans l'une des séances précédentes. La confiance qu'il place dans les intentions des deux Cours lui donne la ferme assurance que cet engagement sera rempli.

Quant à la combinaison dynastique dont la proposition des Cours d'Allemagne fait mention, M. le Plénipotentiaire de Russie fait observer qu'elle préjugerait une question qui ne saurait être résolue isolément. Elle n'est pas encore ouverte pour celles des Puissances qui tiennent le Traité de Londres pour obligatoire. A l'appui de cette vérité, il cite les paroles de M. le Comte de Clarendon, que le Protocole de la dernière séance rapporte en ces termes:—

"M. le Comte de Clarendon fait observer que les droits de Sa Majesté le Roi de Danemark dans les Duchés ont été reconnus par le Traité de 1852 dans un intérêt Européen, et que quoique les Cours Allemandes ne considèrent plus ce Traité comme valide entre elles et le Danemark, les autres Puissances signataires le regardent toujours comme réciproquement obligatoire."

De plus, pour démontrer que la question dynastique reste encore ouverte et qu'elle ne saurait être préjugée, M. le Baron de Brunnow rappelle un autre passage du Protocole de la séance précédente, qui rapporte l'opinion de M. le second Plénipotentiaire de l'Autriche. Ce passage est conçu en ces termes:—

"M. de Biegeleben est d'avis que la question devrait être décidée d'après les Lois Fédérales, et il expose que la Diète Germanique ne pourrait pas disposer du vote actuellement suspendu du Holstein, sans que le point de droit fût éclairci dans les voies légales."

M. le Plénipotentiaire de Russie constate que cette opinion a été confirmée d'ailleurs par M. le Baron de Beust, qui a insisté "sur le droit de la Confédération de régler la Succession dans le Holstein," et qui a ajouté: "que la Confédération ne saurait permettre que la question soit préjugée."

A l'avis du Plénipotentiaire de Russie, Monseigneur le Prince d'Augustenbourg n'est pas le seul qui ait des prétentions à élever. Lorsque la question de Succession dans le Holstein viendrait à s'ouvrir, d'autres droits réclameraient un examen sérieux. Notamment Monseigneur le Grand Duc d'Oldenbourg aurait à faire valoir de justes titres. Le Plénipotentiaire de Russie s'est fait un devoir de les réserver.

Après avoir exposé ces considérations, il déclare qu'à son vif regret il se trouve dans l'obligation de manifester son dissentiment à l'égard de la proposition que MM. les Plénipotentiaires des Cours d'Allemagne viennent d'émettre.

Passant ensuite à l'appréciation de la proposition de M. le Comte Russell, M. le Baron de Brunnow dit que c'est pour lui un devoir agréable de rendre une entière justice aux intentions qui inspirent à MM. les Plénipotentiaires de la Grande Bretagne le désir d'ouvrir la voie à une transaction destinée d'une part à assurer à l'Allemagne une paix durable, de l'autre à sauvegarder l'indépendance et la sécurité de la Monarchie Danoise.

Dans l'opinion du Cabinet de Russie, il appartient à Sa Majesté le Roi Chrétien IX de se prononcer le premier sur ce qui convient aux intérêts de son pays. Si cet auguste Souverain approuvait les bases de la pacification à conclure, le Cabinet Impérial ne refuserait point son assentiment à une transaction que la Cour de Copenhague aurait librement acceptée.

Mais, aussi longtemps que les stipulations du Traité de Londres conservent pour le Danemark, comme pour les Puissances neutres, leur force obligatoire, le Plénipotentiaire de Russie doit décliner une délibération, selon lui, prématurée, sur le sort futur de territoires dont Sa Majesté le Roi de Danemark n'a pas fait abandon.

Si, par la suite, Sa Majesté le Roi Chretien IX renonçait au Duché de Holstein, la

question de la Succession serait ouverte. A l'avis du Plénipotentiaire de Russie, elle ne pourrait recevoir une solution légale qu'en portant respect à la justice de la cause des parties intéressées, qui auraient à faire valoir leurs titres, conformément aux principes du droit public.

Le Plénipotentiaire de Russie, dans l'attente des instructions qui lui sont annoncées, réserve expressément l'opinion de sa Cour.

M. le Plénipotentiaire de France s'exprime en ces termes :—

"Les idées que M. le Principal Secrétaire d'Etat vient d'exposer, relativement aux principes d'après lesquels devrait être réglée l'affaire Dano-Allemande, s'accordent pleinement avec les vues que j'étais chargé moi-même de soutenir dans la Conférence. Après avoir étudié les causes du conflit actuel, mon Gouvernement est demeuré convaincu qu'elles résidaient dans la mauvaise distribution des différents groupes de population dont la Monarchie Danoise est composée, ainsi que dans leurs rivalités incessantes, et qu'il était, dès lors, nécessaire de rechercher les bases d'une entente dans des dispositions nouvelles plus en harmonie avec le sentiment national des deux peuples. L'arrangement dont M. le Principal Secrétaire d'Etat nous indique les bases, consistant à départager, autant que possible, les deux nationalités dans le Slesvig, en incorporant les Danois au Danemark, et en reliant plus étroitement les Allemands au Holstein et au Lauenbourg, ne pouvait donc manquer de rencontrer l'adhésion du Gouvernement de l'Empereur. L'application de ce principe ne semble pas, au surplus, devoir donner lieu à aucune difficulté pour les deux parties extrêmes du Slesvig, où la nationalité se trouve nettement déterminée. Quant aux districts mixtes du centre, de quelque manière que l'on décide de leur sort, il y aura toujours là des Danois soumis à un pays Allemand ou des Allemands soumis au Danemark. Devant l'impossibilité absolue de prendre, sur ce point, la nationalité pour règle, nous pensons qu'il serait juste de trancher le différend en faveur de la plus faible des parties, surtout quand elle subit déjà les sacrifices que cette règle lui impose sur tous les points où elle est manifestement contre elle. Mon Gouvernement considère également comme essentiel que la frontière soit tracée conformément aux nécessités de la défense du Danemark, car ces nécessités doivent être prises en considération par la Conférence, dont la mission est, en donnant satisfaction aux légitimes réclamations de l'Allemagne, de veiller à ce que les arrangements nouveaux garantissent suffisamment l'indépendance du Danemark et les intérêts de l'équilibre Européen dans le Nord.

"Quant à la désignation du Souverain sous l'autorité duquel le nouvel Etat devrait être placé, le Gouvernement de l'Empereur n'a aucun parti pris. Il donnerait volontiers son appui à toute combinaison qui serait conforme au vœu des populations loyalement consultées."

M. le Plénipotentiaire de Suède et Norvège annonce que ses instructions lui défendent d'entrer en discussion sur la proposition émise par MM. les Plénipotentiaires Allemands, comme tendant à séparer les Duchés de Slesvig et de Holstein du Danemark.

En ce qui concerne la proposition dont M. le Comte Russell a donné lecture, il doit déclarer que, comme la Grande Bretagne, son Gouvernement reconnaît que si les Traités de 1852 doivent être abandonnés, on ne saurait trouver une solution en dehors du principe de la séparation des deux nationalités Danoise et Allemande. Partant de ce point de vue, son Gouvernement aurait trouvé plus naturel que la frontière nouvelle du Danemark fût établie sur l'Eider, parceque ce fleuve a de tout temps séparé le Danemark et l'Allemagne.

Il est toutefois autorisé à adhérer à la proposition émise par M. le Comte Russell, à condition que la frontière du Danemark ne soit pas placée plus au nord que la Slei et le Dannewerke, que la partie du Slesvig située au nord de cette ligne soit complètement incorporée au Danemark, que l'Allemagne n'ait à l'avenir aucun droit d'immixtion dans les affaires intérieures de cette Monarchie, et que la nouvelle frontière à établir soit placée sous une garantie Européenne.

Quant aux provinces qui dans l'éventualité susdite seraient cédés par le Roi de Danemark, son Gouvernement entend que leur sort futur ne soit point réglé sans leur consentement, et que la liberté du choix des populations soit entourée de garanties suffisantes.

M. le Comte de Bernstorff prenant alors la parole, déclare que les Plénipotentiaires Allemands n'ont comme de raison pas d'instructions pour se prononcer d'une manière définitive sur les détails de la proposition qu'ils viennent d'entendre de la part de MM. les Plénipotentiaires de Sa Majesté Britannique. Mais connaissant l'esprit de conciliation qui anime leurs Gouvernements respectifs, et qui répond à celui qui a guidé le Gouvernement Anglais dans son désir de trouver une base qui puisse servir de compromis entre les points de vue opposés des Puissances belligérantes, ils croient pouvoir déclarer dès-à-présent que ni l'Autriche et la Prusse, ni la Confédération Germanique, ne se refuseront à prendre en sérieuse considération un projet de transaction qui puisse servir à faire atteindre le but que leurs Plénipotentiaires ont désigné dès le commencement comme

celui qu'ils ont en vue, c'est-à-dire, d'assurer une pacification solide et durable. Sous ce rapport, la ligne de démarcation proposée ne saurait cependant remplir le but, puisque le principal sujet de plainte et d'agitation pour la plus grande partie des populations du Schleswig continuerait non seulement de subsister, mais serait même infiniment aggravé par leur séparation d'avec le reste des Duchés, et leur incorporation dans le Royaume de Danemark.

Les Plénipotentiaires Allemands doivent donc réserver à leurs Gouvernements de faire des contre-propositions à cet égard.

Pour ce qui concerne le Duché de Lauenbourg, ils se permettront de faire observer que la question de la Succession y est également regardée comme douteuse. Mais, comme en effet les droits que la Couronne de Danemark peut y faire valoir sont moins contestés que dans les deux autres Duchés, les Puissances Allemandes seraient probablement disposées à le considérer comme un objet de compensation pour une partie du territoire septentrional du Duché de Schleswig.

Les Plénipotentiaires Allemands ne peuvent se croire autorisés à discuter la question de fortifications à ériger éventuellement sur tel ou tel point du territoire Fédéral, question qui touche à la compétence intérieure de la Diète et au système défensif de la Confédération Germanique.

Interpellé par M. le Comte Russell, M. le Baron de Beust se réfère à la déclaration dont M. le Comte Apponyi a donné lecture, et où il est dit que la proposition des Puissances Allemandes est faite de concert avec le Plénipotentiaire de la Confédération.

M. le premier Plénipotentiaire du Danemark ne se trouve pas à même de s'engager dès à présent dans la discussion de la proposition de M. le Comte Russell, qui non seulement abandonne la base des transactions de 1851, mais s'écarte aussi du principe du Traité de Londres, dont la validité ne saurait être mise en question. Il s'engage toutefois à la porter à la connaissance de son Gouvernement. Quant à la proposition de MM. les Plénipotentiaires Allemands, si le Gouvernement Danois a trouvé que celle de la séance précédente était inadmissible, à plus forte raison lui est-il impossible de discuter celle-ci.

M. le Comte de Clarendon croit que MM. les Plénipotentiaires Danois ayant eu connaissance préalable de la proposition Anglaise, doivent être plus ou moins munis d'instructions à cet égard.

M. de Quaade répond que M. le Comte Russell lui a fait part de cette proposition dans ses termes généraux en temps utile pour que son Gouvernement en ait connu le sens; mais il fait observer qu'elle n'a pas encore pu être soumise au Cabinet de Copenhague avec tous les éclaircissements nécessaires, et dans une forme qui permît d'en apprécier toute la portée, et de juger si l'adhésion du Danemark offrirait des chances sérieuses pour une solution.

M. de Krieger soutient également que les Plénipotentiaires Danois entendent aujourd'hui pour la première fois les termes précis de la proposition dont il s'agit, et explique combien il importe au Gouvernement Danois de connaître, avant de se prononcer, non seulement la manière de voir des autres Puissances neutres, mais aussi, s'il est possible, celle des Puissances Allemandes. Il fait observer qu'il a déjà entendu les objections de ces Plénipotentiaires sur deux points très importants de la proposition, dont l'une se rapporte à la frontière, et l'autre à l'établissement de forteresses et de ports fortifiés sur le territoire qui serait cédé à la Confédération.

M. de Balan relève qu'il ne lui paraît point équitable de réserver à MM. les Plénipotentiaires Danois toute déclaration, jusqu'à ce que ceux de l'Allemagne aient encore davantage précisé l'adhésion de leurs Gouvernements au principe de la proposition Anglaise.

M. le Prince de la Tour de l'Auvergne rappelle que MM. les Plénipotentiaires Allemands ont déclaré que la proposition sera prise en sérieuse considération par leurs Gouvernements, et demande si MM. les Plénipotentiaires Danois ne se croiraient pas autorisés à faire une déclaration semblable.

M. de Quaade exprime la conviction que son Gouvernement vouera à cette proposition, comme à toute proposition faite par les Puissances neutres, l'attention la plus sérieuse; il s'empressera de faire connaître à Copenhague ce qui s'est passé dans la Conférence, et il est sûr de recevoir des instructions définitives dans le plus bref délai.

M. le Comte de Bernstorff fait observer que les Plénipotentiaires Allemands ont accepté le principe de la proposition de M. le Comte Russell, et qu'il faut, par conséquent, que MM. les Plénipotentiaires Danois déclarent, de leur côté, s'ils acceptent le principe de cette proposition.

M. de Krieger signale la difficulté de parler du principe d'une proposition, quand cette proposition embrasse plusieurs éléments également importants. Des réserves ayant été faites sur des points de la plus haute importance, il ne saurait admettre que le principe ait été accepté.

Après une discussion sur la nécessité d'en référer à Copenhague, M. le Comte de Clarendon répète que MM. les Plénipotentiaires du Danemark auraient déjà pu recevoir les instructions de leur Gouvernement au sujet de la proposition Anglaise, dont ils ont eu connaissance préalable. Il s'explique la position de ces Plénipotentiaires, en supposant qu'ils ne se trouvent pas à même de consentir à un sacrifice aussi considérable que celui qui leur a été proposé, sans être assurés d'avance qu'il serait accepté par les Puissances Allemandes et qu'il aurait pour résultat le rétablissement de la paix.

MM. les Plénipotentiaires du Danemark se réfèrent à leurs déclarations précédentes, en ajoutant que pour leur part ils ne demandent aucun délai pour la prochaine réunion au delà du jour qui conviendrait à Messieurs les autres membres de la Conférence.

M. le Comte Apponyi tient à constater que les Plénipotentiaires Allemands ont fait un grand pas dans la voie de la conciliation en modifiant leur proposition par l'acceptation du principe de la proposition Anglaise.

M. de Quaade fait observer que la question de frontière est un point capital.

M. le Comte Russell espère que MM. les Plénipotentiaires se trouveront en mesure de discuter la question de la frontière dans la séance prochaine.

M. le Comte Apponyi rappelle que la question des forteresses dans le territoire qui serait cédé est une affaire intérieure de l'Allemagne, et que comme telle elle est de la compétence de la Diète Germanique.

M. le Comte de Clarendon fait alors remarquer que quand il s'agit de s'écarter du Traité de Vienne, ainsi que du Traité de 1852, et de créer un état de choses nouveau dans les Duchés, il lui semble que les Puissances signataires de ces deux Traités ont bien le droit de donner leur avis sur ce point, et d'y poser les conditions qu'elles puissent juger nécessaires.

M. le Comte Wachtmeister dit que le changement de frontière est le point principal à prendre en considération; que les positions respectives du Danemark et de la Confédération Germanique s'en trouveront profondément changées; que le Danemark, en perdant une partie si considérable de son territoire, a besoin de garanties plus fortes contre toute agression possible dans l'avenir, et que la Confédération Germanique en recevant un accroissement de territoire pourrait bien consentir à certaines conditions.

M. le Plénipotentiaire de la Confédération fait observer que les conditions qui défendent à une Puissance d'avoir des places fortes sur tel ou tel point de son territoire ont été en effet souvent imposées après une campagne désastreuse, mais jamais dans le cas inverse.

M. le Baron de Beust, répondant ensuite à une observation de M. de Krieger sur la validité du Traité de 1852, dit qu'il lui est impossible de le suivre sur ce terrain; qu'une politique agressive n'est pas dans les tendances de la Confédération, mais qu'elle ne saurait consentir à accepter des conditions qui limiteraient d'avance son action politique et militaire. Passant à la critique à laquelle M. le Plénipotentiaire de Russie a soumis la proposition des Puissances Allemandes, il fait remarquer d'abord que lors même qu'une Puissance belligérante ne considère pas un territoire occupé par elle comme lui appartenant, elle a incontestablement le droit de se prononcer sur la question de savoir à qui ce territoire doit être remis, et en le faisant dans la Conférence on n'a pas manqué aux égards dûs aux autres Puissances.

En ce qui regarde l'objection faite au sujet des questions encore pendantes à la Diète et qu'aujourd'hui elle semble préjuger, la question de la voix pour le Holstein est résolue en ce sens, que les pouvoirs du Baron Dirkink-Holmfeld, Ministre de Danemark, ont été reconnus inacceptables. La question de la Succession est en effet pendante, mais elle est résolue matériellement depuis longtemps par la plupart des Gouvernements; les retards apportés jusqu'ici à une décision formelle cessent du moment où les deux Grandes Puissances se déclarent en faveur du Duc d'Augustenbourg. M. de Krieger ayant dit ne pas considérer la proposition comme sérieuse, M. le Baron de Beust le prie de la regarder comme très sérieuse.

M. de Krieger fait observer que ne pouvant pas aujourd'hui entrer dans la discussion de la proposition Anglaise, qui va jusqu'à demander au Danemark la résolution pénible et grave de sacrifier le Traité de 1852, il ne saurait suivre M. le Baron de Beust sur le terrain qu'il vient de choisir. Mais il doit pourtant, par rapport à l'observation faite en premier lieu par M. le Plénipotentiaire de la Confédération Germanique, relever expressément qu'il ne pense pas que la Conférence ait précisément pour tâche de mesurer les forces matérielles des deux parties respectives, mais qu'elle est plutôt appelée à soutenir des principes d'une portée plus élevée, à sauvegarder des intérêts d'un ordre Européen.

En réponse à une question qui lui est adressée par M. le Baron de Brunnow, M. le Comte Apponyi explique comment les Plénipotentiaires Allemands croient avoir faite une

importante concession en modifiant leur première proposition, qui insistait sur l'intégrité du Schleswig, et en acceptant le principe de la division de ce Duché.

M. le Baron de Brunnow fait observer qu'il doit être entendu, selon l'avis de son Gouvernement, que la question de la Succession n'est pas préjugée. Certains droits doivent être pris en considération, et la Famille d'Oldenbourg peut faire valoir les siens. Il maintient toujours la validité du Traité de Londres, et ne peut pas reconnaître d'autre Souverain dans les Duchés que le Roi de Danemark. Il croit qu'un arrangement qui créerait un nouvel Etat exige une entente entre les Puissances. Il doit prendre à cet égard ses réserves.

M. de Biegeleben se rapportant à une observation par laquelle M. le Baron de Brunnow avait reproché à la proposition Allemande un manque de respect pour les droits acquis, rappelle que l'Autriche et la Prusse avaient proposé de laisser la question dynastique ouverte jusqu'à ce qu'elle ait été résolue dans les voies légales, mais que la Conférence n'avait pas paru considérer cette proposition comme un moyen pratique de solution. La réserve de l'examen de la question de droit n'ayant pas été jugée admissible, et le Danemark ayant rejeté l'union personnelle, les Puissances Allemandes devaient se prévaloir des droits qui dérivent pour elles des événements de la guerre pour former d'autres conditions de la pacification.

M. le Plénipotentiaire de Russie résume la discussion, et appelle l'attention de la Conférence sûr l'importance qu'il y aurait à convenir dans la prochaine séance d'une prolongation de la suspension d'hostilités.

M. de Balan déclare que les Plénipotentiaires Allemands ont déjà été mis en état d'accéder à une telle prolongation aussi étendue que possible.

M. de Quaade dit qu'il serait difficile pour son Gouvernement d'y consentir, à moins qu'il ne fût probable que la paix résulterait de la négociation. Il ne paraît pas du reste que les clauses de la suspension d'hostilités actuelle aient été exécutées par les Puissances alliées.

M. le Comte de Bernstorff répond que d'après ses informations les clauses en ont été au contraire parfaitement exécutées.

M. le Comte Russell exprime l'espoir que M. le Plénipotentiaire de Russie s'adjoindra aux Plénipotentiaires des autres Puissances neutres en appuyant la proposition des Plénipotentiaires Anglais.

M. le Baron de Brunnow se dit prêt à y adhérer si le Danemark consent à l'accepter; et répondant à M. le Comte Apponyi, qui lui demande comment il peut adhérer également au Traité de Londres et à la proposition Anglaise, il cite le texte de la déclaration de M. le Comte Russell, dans laquelle il est expressément affirmé "qu'à moins de pouvoir poser les bases d'une paix solide et durable, il n'est pas de la compétence des Puissances neutres de renoncer au Traité," &c.

La discussion ultérieure de la proposition est renvoyée au Jeudi, 2 Juin, à 1 heure.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 6.—Sitting of May 28, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation,
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Earl Russell inquires of the German Plenipotentiaries if they have any proposals to make to the Conference.

Count Apponyi replies by reading a proposal expressed in these terms:—

"Since the demands of Austria and Prussia, presented in the last sitting of the Conference, have been declared entirely inadmissible by the Danish Plenipotentiaries, even supposing that a decision of the Diet were to admit the rights of Succession of His Majesty the King of Denmark in the Duchies, the Plenipotentiaries of the German Powers have received orders to demand, in concert with the Plenipotentiary of the Germanic Confederation, the complete separation of the Duchies of Schleswig and Holstein from the Kingdom of Denmark, and their union in a single State under the sovereignty of the Hereditary Prince of Schleswig-Holstein-Sonderburg-Augustenburg, who can not only bring forward, in the eyes of Germany, the greatest right to the Succession in the said Duchies, and whose recognition by the Germanic Diet is consequently assured, but who also possesses the undoubted suffrages of an immense majority of the population of those countries."

Earl Russell then reads the following declaration:—

"The Plenipotentiaries of Great Britain have seen with deep regret that the last sitting of the Conference has not resulted in the establishment of the bases of an agreement between Germany and Denmark.

"In our opinion the elements of a solid and durable peace can neither be found in the engagements of 1851, which during twelve years have borne no other fruit than dissensions and troubles, nor in the analysis of an obscure and complicated law.

"But unless it is possible to lay down the bases of a solid and durable peace, it is not competent for the neutral Powers to renounce the solemn Treaty by which they recognized the integrity of the Danish Monarchy, neither could they concur in a new arrangement which would be insufficient for Germany, or humiliating for Denmark.

"The elements of a solid and durable peace must therefore be sought elsewhere.

"For many years a lively sympathy for their brethren who are subject to the King of Denmark has animated the Germans of the Germanic Confederation. The Danes, on their side, are inspired by the love of independence, and the desire of maintaining their ancient Monarchy. These sentiments on either side deserve the respect of Europe.

"In order to prevent a future contest, and to satisfy Germany, it would be necessary, in our opinion, entirely to separate Holstein, Lauenburg, and the southern part of Sleswig from the Danish Monarchy.

"To justify so vast a sacrifice on the part of Denmark, and to maintain the independence of the Danish Monarchy, it is desirable, in our opinion, that the line of the frontier should not be drawn more to the north than the mouth of the Schlei and the line of the Dannewerke.

"It is also necessary for the security of Denmark that the Germanic Confederation should not erect or maintain fortresses, nor establish fortified ports in the territory ceded by Denmark.

"An equitable arrangement of the public debt and the renunciation by Austria, Prussia, and the Germanic Confoderation of all right of interference in the internal affairs of Denmark, would serve to complete the friendly relations between Germany and Denmark.

"A question remains which would not form the object of the Treaty of Peace, but which interests Germany, and cannot be passed by in silence. In the opinion of the Plenipotentiaries of Great Britain it should be understood that the future destiny of the Duchy of Holstein, of the Duchy of Lauenburg, and of the southern part of the Duchy of

Sleswig which will be annexed to the Duchy of Holstein, shall not be settled without their consent.

"If the King of Denmark consents to the sacrifices of territory which are required of him in the name of peace, it would be just that the independence of his Kingdom should be guaranteed by the great European Powers."

Baron de Brunnow, replying, in the first place, to the proposal of the German Plenipotentiaries, expresses the feeling of regret which he has experienced at this proposal, which he in no way expected. The object of this plan would be to detach the whole of Holstein and Sleswig from the Danish Monarchy, and to place this State under a new Dynasty. In the first place, as regards the projected territorial arrangement, by what right would these countries be disposed of? They are occupied, in fact, by the allies, but they do not belong to them by right.

The Plenipotentiary of Russia cannot therefore believe that it is the intention of the Courts of Austria and Prussia to dispose of these territories, and that without a previous understanding with the other Powers. He recalls the engagement which the two Courts have taken towards the Powers who signed the Treaty of London, to come to an understanding with them as to the bases of pacification. He affirms that this engagement has been again recognized in one of the preceding sittings. The confidence which he places in the intentions of the two Courts inspires him with a firm conviction that this engagement will be fulfilled.

As to the dynastic combination of which the proposal of the German Courts makes mention, the Plenipotentiary of Russia observes that it prejudges a question which cannot be solved in an isolated manner. It is not yet open for those of the Powers who consider the Treaty of London as binding. In support of this truth, he quotes the words of Lord Clarendon, which the Protocol of the last sitting reports in these terms:—

"The Earl of Clarendon observes that the rights of His Majesty the King of Denmark in the Duchies have been recognized by the Treaty of 1852 in the interests of Europe, and that although the German Powers no longer consider this Treaty as valid between them and Denmark, the other Powers who signed it still regard it as reciprocally binding."

Moreover, in order to show that the dynastic question still remains open, and that it cannot be prejudged, Baron de Brunnow refers to another passage of the Protocol of the preceding sitting, which reports the opinion of the second Plenipotentiary of Austria. This passage runs as follows:—

"M. de Biegeleben is of opinion that the question should be decided according to the Federal laws, and he points out that the Germanic Diet could not dispose of the vote of Holstein, at present suspended, unless the question of right was decided in the legal course."

The Plenipotentiary of Russia states that this opinion was, moreover, confirmed by Baron de Beust, who insisted "on the right of the Confederation to settle the Succession in Holstein," and who added "that the Confederation could not allow the question to be prejudged."

In the opinion of the Plenipotentiary of Russia, the Prince of Augustenburg is not the only person who has claims to assert. Whenever the question of Succession in Holstein becomes open, the rights of others will be entitled to serious examination. Especially the Grand Duke of Oldenburg would have just claims to assert. The Plenipotentiary of Russia has made it his duty to reserve them.

After having put forward these considerations he declares that, to his deep regret, he finds himself compelled to express his dissent with regard to the proposal which the Plenipotentiaries of the Courts of Germany have just made.

Passing next to the consideration of Earl Russell's proposal, Baron de Brunnow says that it is for him an agreeable duty to render full justice to the intentions which inspire the Plenipotentiaries of Great Britain with the desire to open the way to a transaction destined, on the one hand, to ensure to Germany a lasting peace, and on the other, to preserve the independence and security of the Danish Monarchy.

In the opinion of the Cabinet of Russia, it is for His Majesty King Christian IX to pronounce himself the first as to what is expedient for the interests of his country. If that august Sovereign approved the bases of the pacification to be concluded, the Imperial Cabinet would not refuse its assent to a transaction which the Court of Copenhagen had freely accepted.

But, so long as the stipulations of the Treaty of London preserve their binding force for Denmark, as well as for the neutral Powers, the Plenipotentiary of Russia must decline a deliberation, which in his opinion is premature, as to the future fate of the territories which His Majesty the King of Denmark has not surrendered.

If, subsequently, His Majesty King Christian IX were to surrender the Duchy of

Holstein, the question of the Succession would be open. In the opinion of the Plenipotentiary of Russia, it could only receive a legal solution by paying due respect to the justice of the cause of the parties interested, who would have to assert their titles, in conformity with the principles of international law.

The Plenipotentiary of Russia, in expectation of instructions which have been announced to him, expressly reserves the opinion of his Court.

The Plenipotentiary of France expresses himself in these terms:—

"The ideas which the Principal Secretary of State has just expressed, with regard to the principles according to which the Dano-German affair should be settled, are in full accordance with the views which I was myself instructed to maintain in the Conference. After having studied the causes of the present conflict, my Government has remained convinced that they were attributable to the improper division of the different groups of population of which the Danish Monarchy is composed, as well as to their incessant rivalries, and that it was from that moment necessary to seek for the bases of an agreement in new arrangements more in harmony with the national sentiment of the two races. The arrangement of which the Principal Secretary of State has pointed out to us the bases, consisting in dividing, as far as possible, the two nationalities in Sleswig, incorporating the Danes with Denmark, and uniting the Germans more intimately with Holstein and Lauenburg, could not fail therefore to receive the adhesion of the Government of the Emperor. Moreover, it does not seem that the application of this principle can give rise to any difficulty as regards the two extreme parts of Schleswig, where the nationality is clearly determined. As to the mixed districts of the centre, in whatever manner their fate may be determined, there will always be Danes subject to a German country, or Germans subject to Denmark in them. Considering the absolute impossibility of taking nationality as a rule on this point, we think that it would be just to decide the difference in favour of the weaker party, especially when she is already undergoing the sacrifices which this rule imposes on her in all the points where it is manifestly against her. My Government equally consider it as essential that the frontier should be traced in conformity with the necessities of the defence of Denmark, for these necessities must be taken into consideration by the Conference, whose mission is, whilst satisfying the legitimate claims of Germany, to take care that the new arrangements should sufficiently guarantee the independence of Denmark, and the interests of the balance of power in the North of Europe.

"As to the nomination of the Sovereign under whose authority the new State is to be placed, the Emperor's Government have come to no decision. They would willingly give their support to any combination which would be in conformity with the wishes of the population loyally consulted."

The Plenipotentiary of Sweden and Norway announces that his instructions forbid him to enter upon a discussion of the proposal put forward by the German Plenipotentiaries, as tending to separate the Duchies of Sleswig and Holstein from Denmark.

As regards the proposal which Earl Russell has read, he must declare that, like Great Britain, his Government recognize that if the Treaties of 1852 must be abandoned, no solution could be found except on the principle of the separation of the two nationalities, Danish and German. Starting from this point of view, his Government would have considered it more natural that the new frontier of Denmark should have been established on the Eider, as this river has always separated Denmark and Germany.

He is, however, authorized to adhere to the proposal put forward by Lord Russell, on condition that the frontier of Denmark shall not be drawn more to the north than the Slei and the Dannewirke; that the part of Sleswig situated to the north of this line shall be completely incorporated with Denmark; that Germany shall in future have no right of interference in the internal affairs of that Monarchy; and that the new frontier to be established shall be placed under a European guarantee.

As to the provinces which in the aforesaid eventuality would be ceded by the King of Denmark, his Government expect that their future destiny will not be decided without their consent, and that the freedom of choice of the population will be protected by sufficient guarantees.

Count de Bernstorff then speaks. He declares that the German Plenipotentiaries have, as is natural, no instructions to pronounce their opinion in a definitive manner on the details of the proposal of the Plenipotentiaries of Great Britain which they have just heard. But knowing the spirit of conciliation which animates their respective Governments, and which coincides with that which has guided the English Government in their desire to discover a basis which might serve as a compromise between the opposite views of the belligerent Powers, they think they may at once declare that neither Austria and Prussia, nor the Germanic Confederation, will refuse to take into serious consideration the proposal of a transaction which may serve to attain the object which their Plenipotentiaries have designated from

the beginning as that which they have in view, namely, to insure a solid and durable peace. With regard to this point, the line of demarcation proposed cannot, however, attain the desired end, as the principal subject of complaint and agitation as regards the greater part of the population of Schleswig would not only continue to exist, but would even be infinitely aggravated by their separation from the rest of the Duchies and their incorporation in the Kingdom of Denmark.

The German Plenipotentiaries must, therefore, reserve to their Governments the right of making counter-proposals on this point.

As regards the Duchy of Lauenburg, they must be allowed to observe that the question of the Succession is regarded as doubtful in that Duchy also. But as, in fact, the claims which the Crown of Denmark can put forward to it are less contested than in the two other Duchies, the German Powers would probably be disposed to consider it as an object of compensation for a part of the northern territory of the Duchy of Schleswig.

The German Plenipotentiaries cannot consider themselves authorized to discuss the question of fortifications to be eventually erected upon such and such points of Federal territory—a question which concerns the internal competence of the Diet and the defensive system of the Germanic Confederation.

In reply to an inquiry of Earl Russell's, Baron de Beust refers to the declaration which Count Apponyi has read, and in which it is said that the proposal of the German Powers is made in concert with the Plenipotentiary of the Germanic Confederation.

The first Plenipotentiary of Denmark is not in a position at once to engage in the discussion of Earl Russell's proposal, which not only abandons the basis of the transac of 1851, but also departs from the principle of the Treaty of London, the validity of w cannot be questioned. He engages, however, to bring it to the knowledge of his Govern ment. As to the proposal of the German Plenipotentiaries, if the Danish Government consid ered that of the preceding sitting inadmissible, so much the more is it impossible for them to discuss this one.

The Earl of Clarendon thinks that the Danish Plenipotentiaries having been previously acquainted with the English proposal, must be more or less furnished with instructions on this subject.

M. de Quaade replies that Earl Russell communicated this proposal to him in its general terms in sufficient time for his Government to learn the sense of it, but he observes that it has been impossible as yet to submit it to the Cabinet of Copenhagen with all the necessary explanations, and in a form which would allow its full bearing to be appreciated, and an opinion to be formed whether the adhesion of Denmark would offer a serious chance of a solution.

M. de Krieger also maintains that the Danish Plenipotentiaries have heard to-day for the first time the precise terms of the proposal in question, and explains how important it is for the Danish Government to know, before making their decision, not only the opinion of the other neutral Powers, but also, if possible, that of the German Powers. He observes that he has already heard the objections of those Plenipotentiaries on two most important points of the proposal, one of which relates to the frontier, and the other to the establishment of fortresses and fortified ports on the territory which may be ceded to the Confederation.

M. de Balan remarks that it does not seem to him to be fair to reserve any declaration on the part of the Danish Plenipotentiaries, until those of Germany have expressed in still more precise terms the adhesion of their Governments to the principle of the English proposal.

The Prince de la Tour d'Auvergne observes that the German Plenipotentiaries have declared that the proposal shall be taken into serious consideration by their Governments, and asks if the Danish Plenipotentiaries would not consider themselves authorized to make a similar declaration.

M. de Quaade expresses his conviction that his Government will devote to this proposal, as to any proposal made by the neutral Powers, the most serious attention. He will hasten to make known at Copenhagen what has passed at the Conference, and he is certain to receive definitive instructions in the shortest possible time.

Count de Bernstorff observes that the German Plenipotentiaries have accepted the principle of Earl Russell's proposal, and that the Danish Plenipotentiaries must consequently declare whether for their part they accept the principle of this proposal.

M. de Krieger points out the difficulty of speaking of the principle of a proposal, when that proposal embraces several elements equally important. Reservations having been made on points of the highest importance, he cannot admit that the principle has been accepted.

After a discussion as to the necessity of referring to Copenhagen, the Earl of Clarendon

repeats that the Plenipotentiaries of Denmark could already have received the instructions of their Government on the subject of the English proposal, of which they were previously informed. He explains the position of these Plenipotentiaries by the supposition that it is not in their power to consent to so considerable a sacrifice as that which has been proposed to them, without being previously certain that it will be accepted by the German Powers, and that it will result in the re-establishment of peace.

The Plenipotentiaries of Denmark refer to their preceding declarations, adding that for their part they demand no delay in the next meeting beyond the day which may be convenient to the other members of the Conference.

Count Apponyi begs to observe that the German Plenipotentiaries have made a great step in the path of conciliation in modifying their proposal by their acceptance of the principle of the English proposal.

M. de Quaade observes that the question of the frontier is a capital point.

Earl Russell hopes that the Plenipotentiaries will be in a position to discuss the question of the frontier in the next sitting.

Count Apponyi observes, that the question of the fortresses in the territory which would be ceded is an internal affair of Germany, and that as such it is within the competence of the Germanic Diet.

The Earl of Clarendon then remarks, that when it is proposed to depart from the Treaty of Vienna, as well as from the Treaty of 1852, and to create a new order of things in the Duchies, it seems to him that the Powers who signed those two Treaties have certainly the right to express their opinion on this point, and to couple therewith such conditions as they may judge necessary.

Count Wachtmeister says, that the change of frontier is the principal point to be considered; that the respective positions of Denmark and the Germanic Confederation would be completely changed thereby; that Denmark in losing so considerable a part of her territory, has need of stronger guarantees against any possible aggression for the future, and that the Germanic Confederation on receiving an increase of territory might well consent to certain conditions.

The Plenipotentiary of the Confederation observes, that the conditions which forbid a Power to have fortresses on such and such points of its territory have, in fact, often been imposed after a disastrous campaign, but never in the contrary case.

Baron de Beust then says, in reply to an observation of M. Krieger, on the validity of the Treaty of 1852, that it is impossible for him to follow him on this topic; that the Confederation has no tendency towards aggressive policy, but that it cannot consent to the acceptance of conditions which would limit, by anticipation, its political and military action. Passing on to the criticism to which the Plenipotentiary of Russia has submitted the proposal of the German Powers, he remarks in the first place, that even although a belligerent Power does not consider a territory occupied by it as belonging to it, it has undoubtedly the right of pronouncing an opinion on the question as to whom that territory shall be delivered up to, and in doing so in the Conference there has been no want of proper respect to the other Powers.

As regards the objection made on the subject of the questions still pending before the Diet, and which it seems now to prejudge, the question of the vote of Holstein is decided in this sense, that the powers of Baron Dirkink-Holmfeld, Minister of Denmark, have been declared unacceptable. The question of the Succession is, in fact, pending, but it has been virtually decided for a long time by the greater part of the Governments; the delays which have hitherto prevented a formal decision cease from the moment that the two Great Powers declare themselves in favour of the Duke of Augustenburg. M. de Krieger having said that he does not consider the proposal as serious, Baron de Beust begs him to regard it as most serious.

M. de Krieger observes, that as he is unable to-day to enter into the discussion of the English proposal, which goes so far as to require from Denmark the grave and painful resolution of sacrificing the Treaty of 1852, he cannot follow Baron de Beust on the ground which he has chosen. But with reference to the first observation made by the Plenipotentiary of the Germanic Confederation, he must expressly declare that he does not think that the task of the Conference is exactly that of measuring the material strength of the respective parties, but that it is rather called upon to maintain principles of a more elevated bearing, to protect interests of an European order.

In answer to a question which is addressed to him by Baron de Brunnow, Count Apponyi explains, that the German Plenipotentiaries consider that they have made an important concession in modifying their first proposal, which insisted on the integrity of Schleswig, and in accepting the principle of the division of that Duchy.

Baron de Brunnow observes that, in the opinion of his Government, it should be

understood that the question of Succession is not prejudged. Certain rights must be taken into consideration, and the family of Oldenburg may bring forward its claims. He still maintains the validity of the Treaty of London, and cannot recognize any other Sovereign in the Duchies than the King of Denmark. He thinks that an arrangement which would create a new State requires an understanding between the Powers. He must make a reservation on this subject.

M. de Biegeleben, referring to an observation by which Baron de Brunnow had objected to the German proposal as wanting in respect for acquired rights, remarks that Austria and Prussia had proposed to leave the dynastic question open until it was settled in the legal course, but that the Conference did not appear to consider this proposal as a practical means of solution. The reservation of the examination of the question of right not having been considered admissible, and Denmark having rejected the personal union, the German Powers were obliged to avail themselves of the rights which accrue to them from the events of the war to form other conditions of pacification.

The Plenipotentiary of Russia sums up the discussion and calls the attention of the Conference to the importance of agreeing on a prolongation of the suspension of hostilities in the next sitting.

M. de Balan declares that the German Plenipotentiaries have already been authorized to accede to such a prolongation for as long a time as possible.

M. de Quaade says that it would be difficult for his Government to consent to it, unless it were probable that peace would result from the negotiation. It does not appear, moreover, that the clauses of the actual suspension of hostilities have been executed by the allied Powers.

Count de Bernstorff replies that, according to his information, the clauses have, on the contrary, been perfectly executed.

Earl Russell expresses the hope that the Plenipotentiary of Russia will associate himself with the Plenipotentiaries of the other neutral Powers in supporting the proposal of the English Plenipotentiaries.

Baron de Brunnow says that he is ready to adhere to it if Denmark consents to accept it; and in reply to Count Apponyi, who inquires how he can adhere equally to the Treaty of London and to the English proposal, he quotes the text of Earl Russell's declaration, in which it is expressly affirmed "that, unless it is possible to lay down the basis of a solid and durable peace, it is not competent for the neutral Powers to abandon the Treaty," &c.

The further discussion of the proposal is adjourned to Tuesday, the 2nd of June, at 1 o'clock.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 7.—Séance du 2 Juin, 1864.

Présents :

MM. les Plénipotentiaires de l'Autriche ;
MM. les Plénipotentiaires du Danemark ;
M. le Plénipotentiaire de France ;
M. le Plénipotentiaire de la Confédération Germanique
MM. les Plénipotentiaires de la Grande Bretagne ;
MM. les Plénipotentiaires de la Prusse ;
M. le Plénipotentiaire de Russie ; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

Sur l'invitation de M. le Comte Russell, M. de Quaade donne lecture de la déclaration suivante :—

"Lorsque, à l'époque de la conclusion du Traité de Londres, le Roi actuel de Danemark accepta le choix qu'on avait fait de sa personne pour succéder éventuellement au Roi régnant alors, la résolution de Sa Majesté avait pour motif principal et décisif le ferme espoir que l'Europe saurait maintenir ce qu'elle avait reconnu et arrêté par ce Traité solennel. Sa Majesté ne voulut point par son refus mettre obstacle à ce que l'intégrité de la Monarchie Danoise reçût un gage ultérieur de stabilité, et elle savait, grâce aux renonciations et aux sacrifices faits par les ayant-droit, qu'elle ne lésait les droits de personne, en acceptant l'offre qu'on lui avait faite.

"Depuis lors les choses ont changé, et Sa Majesté a dû subir un désappointement des plus cruels ; malgré ses propres efforts et ceux de son peuple dévoué, son seul soutien pour faire aboutir une œuvre à laquelle presque toute l'Europe avait concouru, Sa Majesté a dû prendre en considération la possibilité que ses espérances ne seront pas réalisées.

"S'il en devait être ainsi, si réellement les Puissances de l'Europe veulent abandonner le Traité de Londres, Sa Majesté, pour éviter la reprise des hostilités, ne s'opposera pas à une cession territoriale, pourvu toutefois qu'elle obtienne par là non seulement la paix, mais aussi une existence indépendante et parfaitement autonome pour ce qui lui restera de ses Etats, et à la condition que la destinée future des territoires cédés ne soit pas réglée sans leur consentement.

"Le Gouvernement Danois accepte donc en principe la proposition faite à la dernière séance par M. le Comte Russell pour le rétablissement de la paix entre le Danemark et les deux Grandes Puissances Allemandes.

"Mais pour que la paix que nous appelons de tous nos vœux apporte une véritable pacification, il faut qu'elle soit sous tous les rapports propre à assurer au Danemark l'indépendance qui lui revient de droit, l'indépendance politique que le Traité de Londres devait lui garantir, et pour la conservation de laquelle le peuple Danois n'a pas hésité à s'engager seul dans une lutte sanglante avec des forces bien supérieures aux siennes.

"Les Plénipotentiaires Danois doivent donc faire observer dès-à-présent qu'il y a dans les sacrifices que l'on veut imposer au Danemark des limites que le Gouvernement Danois ne saurait dépasser.

"Ainsi la nouvelle frontière du Danemark est une question capitale pour ce pays. Il lui faut une frontière qui tienne compte et de ses intérêts militaires et de ses intérêts commerciaux, et cette frontière doit être entourée de garanties suffisantes.

"Il est un autre point sur lequel le Gouvernement Danois se réserve toute sa liberté.

"Ce n'est qu'à des conditions toutes spéciales que Sa Majesté le Roi de Danemark consentira à la cession du Duché de Lauenbourg. Ce pays fut acquis en son temps par le Roi de Danemark, en échange d'une partie de la Poméranie, pour servir d'équivalent du Royaume de Norvège sacrifié pour le rétablissement de la paix de l'Europe, et il est essentiellement étranger au différend qui a causé la guerre actuelle.

"Finalement, les Plénipotentiaires Danois doivent revendiquer pour leur Gouvernement la pleine liberté de reprendre la position qu'il a invariablement maintenue jusqu'à présent sur le terrain du Traité de Londres, aussitôt qu'il verra que l'abandon provisoire et conditionnel de cette position ne conduira pas à un arrangement juste et équitable, propre à remplacer les dispositions de ce Traité."

M. le Comte Russell rappelle que M. le Baron de Brunnow avait réservé l'opinion de sa Cour sur la proposition Anglaise. Il prie ce Plénipotentiaire de vouloir bien faire connaître son opinion.

M. le Baron de Brunnow donne l'assurance que si la proposition est acceptée par le

Danemark, il se trouve parfaitement autorisé à adhérer à une transaction convenue dans ce sens.

M. le Comte Russell se référant alors à l'objection faite par M. le Comte de Bernstorff dans la séance précédente sur la ligne de frontière proposée, demande à MM. les Plénipotentiaires Allemands s'ils sont préparés à présenter à la Conférence les contre-propositions qu'ils se sont réservé de faire à cet égard.

M. le Comte de Bernstorff répond que les Plénipotentiaires Allemands n'ont eu connaissance qu'à présent de l'acceptation du principe de la proposition par le Danemark. Ils n'ont donc pas encore des contre-propositions détaillées à présenter. Ils sont d'avis qu'il est avant tout nécessaire de convenir d'une prolongation de la suspension d'hostilités.

M. le Comte de Clarendon croit que cette prolongation doit être désirée par tout le monde. A la dernière séance MM. les Plénipotentiaires Danois ne pouvaient y consentir sans savoir d'avance s'il y aurait chance sérieuse de parvenir au rétablissement de la paix; mais cette chance n'existerait pas, si on ne tombait pas d'accord sur un point aussi capital que celui de la frontière.

M. le Comte Apponyi dit que puisque les Puissances belligérantes ont de part et d'autre accepté le principe de la proposition Anglaise, ce serait maintenant le moment de s'entendre pour prolonger la suspension d'armes. Si les vues des Puissances diffèrent sur la question de la frontière, il leur faut plus de temps pour en délibérer. Il ne leur reste maintenant que dix jours jusqu'à l'expiration de la suspension d'hostilités.

Sur une observation de M. le Comte Russell, M. le Comte de Bernstorff rappelle que MM. les Plénipotentiaires Allemands se sont déjà prononcés à la séance précédente sur la frontière proposée, et il cite une partie de la déclaration qu'il avait alors faite au nom de ces Plénipotentiaires sur ce point. Il croit pouvoir annoncer cependant que leurs instructions les autorisent à proposer une ligne de démarcation qui serait à tracer entre Apenrade et Tondern.

M. de Quaade ne saurait accepter la discussion d'une ligne pareille, et fait valoir l'impossibilité dans laquelle il se trouve de la prendre en considération.

M. le Comte Apponyi explique que le point de départ des Puissances Allemandes avait été la séparation du Duché de Schleswig tout entier, et que la proposition de la ligne d'Apenrade est par conséquent déjà une concession.

M. le Comte Russell rappelle que MM. les Plénipotentiaires Allemands n'avaient pas compris la cession de Lauenbourg dans leur première proposition, mais seulement la séparation complète des Duchés de Slesvig et de Holstein d'avec le Danemark.

M. le Comte Apponyi rappelle qu'en effet la cession du Lauenbourg n'était pas mentionnée dans la première proposition des Plénipotentiaires Allemands, et que ce n'est qu'à la suite de la proposition Anglaise qu'ils ont consenti à accepter le Duché de Lauenbourg comme une compensation pour une partie du Schleswig Septentrional.

M. le Prince de la Tour d'Auvergne exprime l'opinion que la cession de Lauenbourg devrait être regardée comme un objet d'échange pour la partie mixte du Slesvig.

M. de Krieger soutient que le principe de nationalité est un élément très essentiel de la question, mais non pas le seul à être pris en considération.

M. le Comte de Bernstorff répond qu'il en a été précisément tenu compte dans la proposition Allemande; et M. de Biegeleben fait observer que d'après la déclaration de MM. les Plénipotentiaires Danois eux-mêmes, ce sont les intérêts militaires et commerciaux du Danemark qui devraient déterminer le tracé de la frontière, sans que dans cette déclaration il ait été fait mention du principe de nationalité.

M. le Baron de Brunnow dit que ses instructions lui prescrivent d'appuyer les opinions émises par MM. les Plénipotentiaires de la Grande Bretagne au sujet de la ligne de démarcation, c'est-à-dire, qu'elle ne devrait pas être tracée plus au nord que la ligne de la Slei et du Dannewirke.

M. le Comte Wachtmeister demande à faire observer que le point qui, dans le projet d'arrangement dont il s'agit, préoccupe le plus son Gouvernement, est la nécessité d'obtenir une bonne frontière pour le Danemark. Cette frontière, destinée à séparer pour des siècles le Danemark de l'Allemagne, devrait dans sa pensée offrir des garanties sérieuses pour la sécurité future du Danemark; et comme il l'a déjà fait observer dans la séance précédente, il ne saurait trouver ces conditions dans aucune ligne de frontière tracée plus au nord que celle du Dannewirke et de la Slei, qu'il est par conséquent chargé de soutenir comme la seule compatible avec l'indépendance et la sécurité futures du Danemark.

M. le Plénipotentiaire de Suède et Norvège demande à ajouter quelques mots en ce qui concerne le Lauenbourg. Cette province ayant été acquise par le Danemark en échange d'une partie de la Pomeranie qui lui avait été cédée par la Suède, son Gouverne-

ment est particulièrement intéressé à ce que l'union de ce Duché avec le Danemark soit laissée intacte. De plus, il n'est jamais revenu au Gouvernement Suédois que les habitants du Lauenbourg avaient formulé contre le Gouvernement Danois des griefs analogues à ceux du Holstein et d'une partie de Slesvig. Il espère donc que, si, par des considérations d'une haute gravité, le Roi de Danemark se trouve amené à céder le Lauenbourg, ce sera contre une compensation équitable; et il pense que cette compensation pourrait être trouvée dans la partie mixte et Allemande du Slesvig, qui selon le projet proposé par Lord Russell resterait au Danemark, dont la frontière serait ainsi établie le long de la Slei et du Dannewirke.

M. le Comte de Clarendon demande en quel sens M. le Comte de Bernstorff a voulu parler de la Succession dans le Lauenbourg comme douteuse. Ce ne serait qu'en déchirant les Traités en vertu desquels le Lauenbourg fait partie du Royaume de Danemark, que des doutes pourraient s'élever à cet égard.

M. le Comte de Bernstorff répond que beaucoup de jurisconsultes Allemands la regardent comme douteuse. Ce Duché a été cédé en 1816 par le Hanovre à la Prusse, et par celle-ci au Danemark, et ses anciens privilèges et sa Constitution, dont on peut regarder comme partie intégrante l'ordre de Succession de mâle en mâle, ont été expressément garantis par les trois Puissances.

M. le Baron de Brunnow dit qu'il faut envisager la situation dans son actualité. Le Danemark a bien le droit de demander des compensations reconnues comme étant acceptables par les Puissances neutres. Toute la Conférence doit être d'accord sur ce point.

M. le Comte de Clarendon croit que M. le Comte de Bernstorff a voulu mettre trop peu de prix à la cession de Lauenbourg, qui selon M. de Quaade a une population de 50,000 habitants, et des revenus s'élevant à une moyenne de 30,000 livres (sterling) par an.

M. le Comte de Bernstorff, se référant à une observation de M. le Comte de Wachtmeister, tient à constater que le Lauenbourg a réclamé, comme les autres Duchés, auprès de la Diète contre le Gouvernement Danois, et que les Etats de ce Duché ont également protesté en 1846, par suite des lettres patentes du Roi Christian VIII, contre l'introduction de la Succession féminine comme étant contraire à leur constitution.

M. de Quaade fait remarquer que le grief dont il s'agissait n'était que d'une importance très minime, et que dans sa déclaration il ne s'est servi que du mot "essentiellement" étranger.

M. le Baron de Brunnow demande la permission de placer une observation. Il dit que MM. les Plénipotentiaires du Danemark viennent de manifester par leur déclaration faite au nom de Sa Majesté le Roi des intentions si nobles et si élevés qu'il doit rendre hommage à l'expression de ces sentiments. Il est convaincu que tous les Plénipotentiaires partagent son avis sur ce point. Les plaintes formées de la part du Holstein, du Lauenbourg, &c., de quelle époque datent-elles? Certes ce n'est pas du règne actuel, mais d'une époque antérieure. A peine le Roi Chrétien IX est-il monté sur le trône qu'il s'est vu environné de difficultés, devenus plus graves de jour en jour. On ne lui a pas laissé le temps de réparer les fautes du passé, ni de calmer des ressentiments qui datent de fort loin. Il serait donc injuste de faire retomber sur son règne la responsabilité de griefs qui ne sont nullement son ouvrage. L'Ambassadeur de Russie ne fait qu'interpréter l'opinion des autres Plénipotentiaires des Puissances neutres, en rendant justice aux sentiments et aux intentions de Sa Majesté le Roi.

M. le Comte Apponyi fait observer qu'il ne s'agit nullement de la personne du Roi, mais seulement du système poursuivi par le Gouvernement Danois dans les Duchés; et M. le Comte de Bernstorff ajoute que l'incorporation du Schleswig a été sanctionnée sous le règne actuel.

M. de Krieger ne pense pas qu'il y ait lieu à présent de démontrer d'une manière plus détaillée combien sont mal fondés les griefs allégués, mais il doit relever que le Duché de Slesvig, incorporé depuis longtemps à la Couronne Danoise, n'a point été incorporé au Royaume de Danemark, ni sous le règne du Roi défunt, ni sous celui du Roi actuel; et il soutient que le seul point qui ait causé des préoccupations sérieuses dans le Lauenbourg, a été la question du droit d'aliénation des domaines dans ce Duché.

M. le Comte de Bernstorff répond qu'au contraire la plainte portée devant la Diète Germanique concerne la question constitutionnelle.

M. le Prince de la Tour d'Auvergne signale la différence qui existe entre la situation de Lauenbourg et celle des autres Duchés vis-à-vis de la Monarchie Danoise. Dans la déclaration de MM. les Plénipotentiaires Allemands, il n'a pas été question de Lauenbourg, mais seulement des autres Duchés. Dans le premier les droits du Roi de Danemark sont incontestables. La cession de ce Duché peut donc être considérée comme un objet sérieux de compensation.

M. de Biegeleben regarde la compensation comme ayant été offerte par MM. les Plénipotentiaires Allemands.

M. le Comte de Clarendon insiste sur la nécessité de trouver une bonne frontière tant militaire que commerciale pour le Danemark. Selon lui, il ne doit pas y avoir grande difficulté de tomber d'accord là-dessus. Le tiers du Duché de Slesvig ne serait pas une compensation suffisante pour le Lauenbourg.

M. le Baron de Beust dit qu'il n'a pas voulu intervenir dans la discussion des anciens griefs du Schleswig et du Holstein ; elle lui a paru oiseuse, puisque la Confédération regarde leur union avec le Danemark comme ayant cessé depuis la mort du feu Roi de Danemark. En ce qui concerne la question de Succession dans le Lauenbourg, elle est regardée comme douteuse et en suspens. La proposition Allemande a été faite de manière à dire que le Lauenbourg serait un objet de compensation, la question de droit y étant moins contestée que dans les autres Duchés.

A l'invitation de M. le Comte Russell, M. de Quaade propose alors pour frontière une ligne qui serait tracée au sud de la ville d'Eckenforde et au sud de la ville de Slesvig, suivant la ligne du Dannewirke jusqu'à Friedrichstadt.

Une carte indiquant les principaux points par lesquels cette ligne devrait passer est annexée au présent Protocole sous la lettre A.

L'examen en ayant été fait par MM. les Plénipotentiaires, M. le Comte Russell croit qu'il devient utile de constater les points sur lesquels la Conférence pourrait peut-être tomber d'accord :—

1. Le Roi de Danemark ne s'opposera pas à une cession territoriale, pourvu qu'elle assure au Danemark non seulement la paix, mais aussi une existence indépendante et parfaitement autonome ;

2. Et à condition que la destinée future des territoires cédés ne soit pas réglée sans leur consentement.

3. Il faut au Danemark une frontière qui tienne compte à la fois de ses intérêts militaires et de ses intérêts commerciaux.

4. Cette frontière devrait être entourée de garanties suffisantes.

Dans cet état de choses, il semble à M. le Comte Russell qu'il conviendrait peu à l'honneur des Puissances Européennes de ne pas réussir à trouver la solution des difficultés qui restent à régler, sans le recommencement de la guerre, qui serait la plus déplorable de toutes les solutions. Les Plénipotentiaires des Puissances neutres regardent les conditions dont il est question comme parfaitement justes et raisonnables. Il serait donc bien à regretter dans l'intérêt de l'Europe que la guerre vînt à recommencer, et dans ce cas il serait vraiment difficile de prévoir où et quand elle s'arrêterait.

M. le Comte Apponyi croit devoir faire ses réserves quant au point 2, en tant qu'il implique un appel direct au suffrage des populations. Il ne saurait accepter cette modalité, ni en principe, ni comme un moyen de solution pratique, à cause de la difficulté d'obtenir dans les districts mixtes une frontière acceptable et répondant en même temps, dans chaque localité, aux vœux de deux nationalités aussi mélangées.

A cette occasion M. de Biegeleben rappelle que M. le Plénipotentiaire de France a reconnu dans la dernière séance l'impossibilité absolue de prendre sur ce point la nationalité pour règle.

M. le Baron de Beust est d'avis qu'une consultation des populations serait susceptible d'amener un résultat pratique. Il n'entend pas qu'on demande à chaque bourg et à chaque village s'il veut être Allemand ou Danois, et qu'on en dispose en conséquence, mais que dans tel ou tel district, qui serait destiné à être détaché du Schleswig on constate si la majorité de la population est vraiment Danoise.

M. le Prince de la Tour d'Auvergne fait remarquer que la Conférence ayant posé le principe de la séparation du Slesvig, et ce principe ayant été admis aussi bien par MM. les Plénipotentiaires Allemands que par MM. les Plénipotentiaires Danois, le mode de procéder indiqué par M. le Baron de Beust pourrait amener un résultat tout différent de celui que la Conférence a en vue. Dans la pensée du Gouvernement de l'Empereur, c'est principalement dans les territoires qui seraient détachés de la Monarchie Danoise, et où il s'agit d'établir un état de choses nouveau, qu'il est indispensable de consulter les populations.

M. le Baron de Beust persiste à soutenir que le même principe est applicable aux districts qui doivent être séparés du Schleswig.

M. le Comte Russell demande si MM. les Plénipotentiaires des Puissances belligérantes ne pourraient pas conférer ensemble avec quelque chance de se mettre d'accord sur la nouvelle frontière, sans perdre de vue les vœux des populations.

M. le Comte de Bernstorff se déclare prêt à conférer avec MM. les Plénipotentiaires

Danois dans ce but, et à adopter tous les moyens qui puissent conduire à une entente, nommément celui de consulter les vœux des populations.

Les Plénipotentiaires Danois se déclarent également prêts à conférer avec les Plénipotentiaires Allemands dans le cas où il y aurait probabilité de pouvoir s'entendre sur la frontière à tracer.

Vu la différence entre les deux lignes proposées, ainsi que la difficulté d'en tracer une qui combinerait l'avantage d'obtenir les suffrages des populations et celui de sauvegarder les intérêts tant militaires que commerciaux du Danemark, il semble douteux qu'une pareille consultation offrît pour le moment une chance sérieuse d'une solution.

Pendant une discussion à laquelle prennent part tous les Plénipotentiaires, sur les difficultés qui se rattachent à cette question et sur les moyens d'y obvier, M. le Comte de Bernstorff dit qu'il n'est pas autorisé à proposer d'autre ligne que celle d'Apenrade dont il a déjà fait mention, mais que lui et son collègue, désirant faire leur possible pour arriver à une solution, seraient disposés à recommander à leur Gouvernement l'adoption d'une ligne qui partirait de la Baie de Flensbourg au nord de la ville de ce nom, et aboutirait à Hoyer en passant au nord de Tondern, et qui comprendrait les Iles Frisonnes dans la partie du Duché à réunir à l'Allemagne.

MM. les Plénipotentiaires Danois trouvent cette ligne également inadmissible.

M. le Comte de Bernstorff rappelle qu'il est surtout important de savoir si MM. les Plénipotentiaires Danois peuvent consentir à une prolongation de la suspension d'hostilités.

M. de Quaade répond qu'il a déjà exprimé l'opinion que son Gouvernement ne consentirait pas, à moins qu'il n'y eût probabilité d'une solution pacifique. Mais jusqu'à présent cette probabilité n'est pas à entrevoir. Il doit déclarer du reste que les stipulations de la suspension d'hostilités actuelle n'ont pas été mises à exécution par les autorités militaires alliées.

MM. les Plénipotentiaires Allemands soutiennent le contraire, et M. de Balan donne lecture de la déclaration suivante :—

"Les Plénipotentiaires de Prusse sont autorisés à adhérer à une prolongation de la suspension des hostilités. Ils ont reçu l'ordre de demander que cette prolongation soit aussi étendue que possible, et qu'à cet effet elle ne soit pas limitée par un terme fixé d'avance, mais par une dénonciation qui le précéderait de quatre semaines.

"Les Plénipotentiaires sont en outre chargés par leurs Gouvernements d'appeler l'attention de la Conférence sur la différence qui existe entre une suspension d'hostilités et un armistice. Les Plénipotentiaires de Prusse étaient autorisés en son temps à consentir à un armistice sur la base proposée par M. le Comte Russell. MM. les Plénipotentiaires Danois, bien qu'ils eussent pris cette proposition *ad referendum*, ne s'y sont point arrêtés plus tard, mais sont au contraire revenus sur les modalités d'une suspension d'hostilités qu'ils avaient rejetée dans la séance précédente. Or il est évident qu'un des caractères distinctifs de la simple suspension d'hostilités, qui laisse les armées respectives dans les pays qu'elles continuent à occuper, est que le logement des troupes est obligatoire.

"Les armées alliées ont lieu de se plaindre à ce sujet du mauvais vouloir qu'ils ont rencontré de la part des autorités et des populations dans le Jutland, et les Plénipotentiaires de Prusse doivent en conséquence pour l'avenir demander des arrangements qui assurent aux armées alliées les voitures et les chevaux indispensables pour l'administration militaire, qui en règlent les fournitures d'une manière équitable, qui mettent les troupes alliées à l'abri d'un refus de logement, et qui écartent en général toute interprétation des termes de la suspension d'hostilités du 9 Mai incompatibles avec les exigences d'une occupation militaire.

"Les Plénipotentiaires de Prusse s'abstiennent d'entrer à ce sujet dans les détails. Ils se réservent toutefois d'y revenir et de préciser, en cas de besoin, les différents objets de plainte."

M. de Quaade, sans vouloir entrer dans des appréciations rétrospectives, se permet de faire observer que la différence entre une suspension d'hostilités et un armistice consiste essentiellement en ce que la première cesse par le fait qu'elle n'est pas renouvelée, tandis qu'un armistice ne cesse qu'après avoir été dénoncé. Il conteste les faits dont M. de Balan vient de parler, et soutient que les clauses de la suspension d'hostilités actuelle n'ont pas été exécutées par les armées alliées, que notamment les habitants n'ont pas été payés, comme il avait été convenu.

M. le Comte de Bernstorff déclare qu'au contraire tout a été payé en argent tous les Samedis, depuis le commencement.

M. de Krieger place sous les yeux de MM. les Plénipotentiaires de la Prusse la lettre d'un Général Prussien en date du 13 Mai, dans laquelle cet officier s'est refusé de faire aucun payement.

M. le Comte de Bernstorff explique ce fait en supposant que le Général en question ne connaissait pas encore les clauses de la suspension d'armes. Tout a été payé depuis, ajoute M. le Comte de Bernstorff, et son Gouvernement continuera à tout payer.

M. de Bille dit qu'il a adressé un Mémorandum à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique, dont il est disposé à demander la présentation à la Conférence, au sujet de la violation des clauses de la suspension d'hostilités.

M. le Comte de Bernstorff répond que les Plénipotentiaires Prussiens ne pourront s'empêcher de présenter de leur côté un Mémorandum pour prouver le contraire.

Les renseignements reçus par MM. les Plénipotentiaires du Danemark et ceux de la Prusse ne s'accordent pas sur ce point.

Sur la question de la prolongation, MM. les Plénipotentiaires Danois répètent que tout dépendrait de la probabilité d'un rapprochement, et que dans ce cas la prolongation ne pourrait être que de très-courte durée jusqu'à ce qu'il y eût certitude d'une pacification. Il y aurait toujours le temps avant le dernier jour de convenir d'une prolongation, s'il y a lieu, et de donner des ordres par le télégraphe à cet effet.

M. de Biegeleben signale les torts qu'en subira le commerce, si l'incertitude au sujet du blocus doit durer jusqu'au dernier moment.

M. de Krieger fait observer que le blocus n'a cessé que provisoirement.

M. le Baron de Brunnow demande en quoi consisterait la persuasion de MM. les Plénipotentiaires Danois qu'ils arriveraient à la paix.

M. de Quaade répond en rappelant que le Danemark a accepté en principe la proposition de M. le Comte Russell, reposant sur la base du partage du Duché de Slesvig moyennant une ligne qui ne fût pas tracée plus au nord que l'embouchure de la Slei et la ligne du Dannewirke; tandis que MM. les Plénipotentiaires Allemands disent que leurs Gouvernements consentiraient peut-être à une ligne prenant son point de départ au nord de Flensbourg. Dans cet état de choses on est si loin de s'entendre que le Gouvernement Danois ne saurait consentir à la prolongation demandée.

M. le Comte Russell, parlant au nom de MM. les Plénipotentiaires des Puissances neutres, rend justice à Sa Majesté le Roi de Danemark et à l'esprit de conciliation dont Sa Majesté s'est montré animée en acceptant les conditions proposées. De concert avec M. le Baron de Brunnow, il prie MM. les Plénipotentiaires du Danemark de demander à leur Gouvernement une prolongation, afin de donner le temps nécessaire pour continuer les négociations.

M. le Baron de Brunnow, s'adressant ensuite à MM. les Plénipotentiaires Allemands, rappelle que la ligne acceptée par le Danemark est celle qui a obtenu l'appui des Puissances neutres. Il prie ces Plénipotentiaires de s'en rapprocher le plus possible, afin d'empêcher que les hostilités ne soient reprises.

M. le Prince de la Tour d'Auvergne et M. le Comte Wachtmeister s'expriment dans le même sens.

M. de Quaade répète qu'il serait difficile pour son Gouvernement d'accéder à une prolongation dans l'état actuel des négociations, mais il s'engage à recommander au Cabinet de Copenhague de prendre la question en sérieuse considération, en lui faisant connaître par le télégraphe ce qui s'est passé à la Conférence.

M. le Comte de Clarendon fait observer que même si le blocus doit être rétabli, il serait bon dans l'intérêt du commerce de le faire savoir le plus tôt possible. Son rétablissement mettrait fin à la Conférence, ce qui serait un résultat bien regrettable.

M. de Bille rappelle qu'il y a dissentiment sur la question des forteresses aussi bien que sur celle de la frontière. Il tient à ne pas laisser croire qu'en recommandant la prolongation de la suspension d'hostilités à la considération de leur Gouvernement, les Plénipotentiaires Danois regardent la ligne proposée par MM. les Plénipotentiaires Allemands comme acceptable.

M. de Balan dit que la dernière proposition des Plénipotentiaires Prussiens constitue toujours un rapprochement entre les deux lignes proposées.

M. le Baron de Brunnow, d'ordre de sa Cour, fait part à la Conférence de la communication suivante :—

" L'Ambassadeur de Russie a annoncé que l'Empereur, désirant faciliter, autant qu'il dépend de lui, les arrangements à conclure entre le Danemark et l'Allemagne, en vue du rétablissement de la paix, a cédé à Monseigneur le Grand Duc d'Oldenbourg les droits éventuels que le § 3 du Protocole de Varsovie du $\frac{24 \text{ Mai}}{5 \text{ Juin}}$, 1851, a réservés à Sa Majesté comme chef de la branche ainée de Holstein-Gottorp."

Après avoir fait cette déclaration, d'ordre de sa Cour, l'Ambassadeur de Russie a déposé le dit Protocole aux actes de la Conférence.

Une copie en est annexée au présent Protocole sous la lettre B.

M. le Comte de Bernstorff s'exprime alors en ces termes :—

"Nous nous faisons un devoir, mon collègue et moi, de rendre hommage aux sentiments élevés qui ont dicté à Sa Majesté l'Empereur de Russie la résolution dont M. le Baron de Brunnow vient de nous donner connaissance, et qui est destinée à faciliter l'œuvre de la paix qui fait l'objet de nos délibérations."

MM. les Plénipotentiaires de l'Autriche s'associent entièrement aux paroles prononcées par M. le Comte de Bernstorff.

M. le Baron de Beust s'est exprimé ainsi: "Tout en m'empressant de rendre hommage aux sentiments de générosité et de désintéressement dont Sa Majesté l'Empereur de Russie a donné une nouvelle preuve par la déclaration que son Ambassadeur vient de porter à notre connaissance, je ne puis pas me dispenser de faire, au nom de la Confédération, les réserves que la Diète jugera nécessaires relativement à l'effet du Protocole de Varsovie et aux prétentions qui pourraient être fondées sur ce document."

M. le Prince de la Tour d'Auvergne dit qu'il doit profiter de l'occasion qui lui est offerte par M. l'Ambassadeur de Russie, pour maintenir formellement le point de vue de son Gouvernement, d'après lequel aucun état de choses nouveau ne saurait être établi dans les territoires détachés de la Monarchie Danoise, sans le concours et le consentement des populations loyalement consultées. Il est heureux d'ailleurs de pouvoir rendre hommage à l'esprit de conciliation qui a dicté la déclaration de la Cour de Russie.

M. le Comte Wachtmeister s'exprime de la manière suivante:

"Je dois rendre hommage à la haute preuve d'intérêt à la réussite des travaux de cette Conférence donnée de la part de Sa Majesté l'Empereur de Russie par la déclaration dont M. le Baron de Brunnow vient de donner lecture. Cette renonciation de l'Empereur aux droits qui pourraient revenir à Sa Majesté dans certaines éventualités sur une partie du Holstein ne peut que faciliter à un haut degré l'arrangement final qui disposera du sort du Holstein. En même temps je dois rappeler ma déclaration antérieure, que dans la pensée de mon Gouvernement la destinée future des pays qui pourront être cédés par le Danemark ne pourrait être définitivement arrêtée sans le consentement de leurs habitants."

M. de Quaade tient aussi à rendre hommage à l'intérêt que Sa Majesté l'Empereur de Russie voue au rétablissement de la paix, mais croit en même temps devoir faire observer que son Gouvernement regardant le Traité de Londres comme étant toujours en vigueur, la combinaison arrêtée par ce Traité n'est pas encore venue à manquer.

M. le Comte Russell rend justice également aux sentiments désintéressées dont Sa Majesté Impériale a fait preuve dans cette circonstance, afin de faciliter les négociations dans le cas où la Conférence ait à s'écarter du Traité de Londres.

M. le Baron de Brunnow a répondu:—

"Je remplirai un agréable devoir en rendant compte à l'Empereur de l'accueil que MM. les Plénipotentiaires, réunis en Conférence, ont bien voulu faire à la communication dont j'ai eu l'honneur de m'acquitter, d'ordre de Sa Majesté. Je suis certain de la vive satisfaction avec laquelle l'Empereur appréciera les sentiments manifestés par les Représentants des Puissances amies qui ont rendu à ses intentions pacifiques un hommage unanime.

"De mon côté, je reconnais les motifs qui ont engagé M. le Plénipotentiaire de la Confédération Germanique, ainsi que M. l'Ambassadeur de France, à ne pas émettre leur opinion sans y joindre les réflexions et les réserves qui leur sont prescrites par leurs instructions et par le sentiment de leur devoir. Chacun de nous doit maintenir les principes dont il est l'organe. Chacun doit signaler le point de vue sous lequel nos Gouvernements envisagent les questions qui forment l'objet de nos délibérations. Dans cette réunion nous sommes tous appelés à échanger nos idées avec franchise, avec cordialité, sans irritation. Pour ma part, j'ai exprimé avec une entière sincérité les principes du Cabinet de Russie. Le Protocole de la séance précédente les constate en ces termes:—

"'Si, par la suite, Sa Majesté le Roi Chrétien IX renonçait au Duché de Holstein, la question de la Succession serait ouverte. A l'avis du Plénipotentiaire de Russie elle ne pourrait recevoir une solution légale qu'en portant respect à la justice de la cause des parties intéressées qui auraient à faire valoir leurs titres, conformément aux principes du droit public.'"

Après avoir donné lecture de ce passage du Protocole No. 6, de la séance du 28 Mai, M. le Baron de Brunnow a résumé les considérations sous l'influence desquelles l'Empereur de Russie a résolu de transférer les droits éventuels de la branche ainée de Holstein-Gottorp, dont il est le Chef, à la branche cadette, représentée par Monseigneur le Grand Duc d'Oldenbourg. Sa Majesté a réservé à ce Souverain de faire valoir ces titres réunis, lorsqu'il jugerait que le moment en serait venu. Membre de la Confédération Germanique, ce Prince serait appelé à élever ses réclamations lui-même dans les voies légales, devant l'autorité Fédérale, dont il relève. L'Empereur de Russie restera étranger à ce litige. Il demeure dégagé désormais de toute intervention directe dans une question de Succession

contestée dans le Holstein—question qu'il tient à ne point compliquer. Loin de vouloir aggraver des difficultés qui peuvent retarder le rétablissement de la paix, Sa Majesté cherche à les aplanir.

M. le Plénipotentiaire de Russie, après avoir exposé ces vues, d'ordre de l'Empereur, a ajouté:—

"Je me félicite d'avoir été appelé à exprimer, comme je viens de le faire, les sentiments de Sa Majesté, en déposant aux Actes de la Conférence le Protocole de Varsovie, de l'année 1851. Ce document a donné lieu, plus d'une fois, à de fausses interprétations. Elles seront démenties par la publicité que ne tardera pas à acquérir la déclaration que je viens d'émettre, au nom de l'Empereur. La pensée de conciliation qui préside à la politique de Sa Majesté sera alors généralement connue, de même qu'elle a été appréciée unanimement aujourd'hui, par tous les membres de la Conférence."

Il est convenu que la prochaine réunion de la Conférence aura lieu le Lundi, 6 Juin, à 1 heure.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Annexe A au Protocole No. 7.

Carte de la Partie Méridionale du Duché de Slesvig.

Annexe B au Protocole No 7.

Protocole de Varsovie (1851).

SA Majesté l'Empereur de toutes les Russies et Sa Majesté le Roi de Danemark, prenant en considération les transactions conclues entre leurs augustes Prédécesseurs dans les années 1767 et 1773;

Considérant qu'autant pour établir le repos du Nord de l'Europe sur un pied durable, que pour écarter tout ce qui pouvait alors, ou dans l'avenir, donner lieu à des malentendus ou différends dans l'auguste Maison d'Oldenbourg, l'Empereur Paul de glorieuse mémoire, alors Grand-Duc de Russie, a renoncé pour lui-même ainsi que pour ses héritiers et descendants, en faveur de Sa Majesté le Roi Chrétien VII de glorieuse mémoire, ainsi que des héritiers de Sa Couronne Royale, à tous ses droits et prétentions au Duché de Slesvig en général, comme à la partie ci-devant Princière de ce Duché en particulier;

Que de la même manière et par les mêmes motifs Sa Majesté l'Empereur Paul a cédé pour lui-même, ainsi que pour ses descendants, héritiers et successeurs, tout ce qu'il possédait dans le Duché de Holstein, soit en commun avec Sa Majesté le Roi de Danemark, soit séparément;

Considérant que cet acte de cession du Duché de Holstein n'a eu lieu expressément qu'en faveur de Sa Majesté le Roi Chrétien VII et de sa descendance mâle, ainsi qu'éventuellement en faveur de feu le Prince Frédéric, frère du Roi, et de la descendance mâle de ce Prince; et

Que les éventualités, qu'admettaient les termes même de cet acte de cession, se sont en partie déjà réalisées par l'extinction de la descendance mâle du Roi Chrétien VII, ou peuvent se réaliser dans un avenir plus ou moins rapproché, sans que les dites transactions y aient pourvu d'aucune manière;

Prévoyant les dangers que ce silence des Traités existants peut avoir pour la Monarchie Danoise, si, à la suite de l'extinction de la lignée mâle actuellement sur le Trône de Danemark, la *lex regia* recevait son application pure et simple à une partie de cette Monarchie,—

Se sont reconnu l'obligation et le droit, comme successeurs des augustes Parties

Contractantes aux transactions de 1767 et 1773, de s'entendre ultérieurement sur les combinaisons les plus appropriées au double but qu'elles ont eu en vue.

En conséquence les Soussignés, après un mûr examen de toutes les questions qui se rattachent à cette affaire, ont arrêté entre eux, sous la réserve expresse de la haute approbation de leurs Souverains respectifs, et ont consigné dans le présent Protocole les points qui suivent:—

1. Le but qu'on se propose dans l'intérêt de la paix du Nord autant que dans celui de la paix intérieure de l'auguste Maison d'Oldenbourg, savoir, le maintien de l'intégrité de la Monarchie Danoise, ne peut être réalisé qu'au moyen d'une combinaison qui appelle à la Succession dans la totalité des Etats actuellement réunis sous le sceptre de Sa Majesté le Roi de Danemark, la seule descendance mâle à l'exclusion des femmes.

2. La descendance mâle du Prince Chrétien de Slesvig-Holstein-Sonderbourg-Glücksbourg et de son épouse Madame la Princesse Louise de Hesse réunit en elle les droits d'hérédité qui, à l'extinction de la lignée mâle actuellement régnante en Danemark, lui échoient en vertu des renonciations de Son Altesse Royale Madame la Landgrave Charlotte de Hesse, de son fils Monseigneur le Prince Frederik de Hesse, et de sa fille Madame la Princesse Marie d'Anhalt-Dessau.

3. Voulant de son côté compléter les titres résultant de ces renonciations et amener ainsi une combinaison qui serait d'un si haut intérêt pour le maintien de la Monarchie Danoise dans son intégrité, Sa Majesté l'Empereur de toutes les Russies, comme Chef de la branche ainée de Holstein-Gottorp, serait prêt à renoncer aux droits éventuels qui lui appartiennent, en faveur de Monseigneur le Prince Chrétien de Glücksbourg et de sa descendance mâle.

Toutefois il est entendu:

Que les droits éventuels des deux branches cadettes de Holstein-Gottorp seraient expressément réservés;

Que ceux dont l'auguste Chef de la branche ainée ferait l'abandon pour lui-même et pour sa descendance mâle en faveur du Prince Chrétien de Glücksbourg et de sa descendance mâle, renaîtraient dans la Maison Impériale de Russie à l'époque où, ce qu'à Dieu ne plaise, la descendance mâle de ce Prince viendrait à s'éteindre;

Que puisque la renonciation de Sa Majesté l'Empereur aurait principalement pour but de faciliter une combinaison que réclament les premiers intérêts de la Monarchie, l'offre d'une pareille renonciation cesserait d'être obligatoire, si la combinaison elle-même venait à manquer.

4. Par suite des considérations qu'indiquent les §§ 2 et 3 ci-dessus, Monseigneur le Prince Chrétien de Glücksbourg, conjointement avec Madame la Princesse son épouse, et à leur défaut la descendance mâle de leurs Altesses, aurait plus qu'aucune autre branche des titres qui les rendent habiles à succéder, le cas échéant, dans les Etats réunis actuellement sous le sceptre de Sa Majesté Danoise. En conséquence les deux Cours de St. Pétersbourg et de Copenhague sont convenues:

Que Sa Majesté le Roi de Danemark désignera le Prince et la Princesse de Glücksbourg conjointement comme les héritiers présomptifs de sa Couronne pour le cas où la ligne mâle de la dynastie actuellement régnante viendrait à s'éteindre;

Que Sa Majesté fera connaître sa haute détermination aux Puissances amies du Danemark;

Que si, pour assurer la complète réussite de cette combinaison, encore d'autres renonciations étaient jugées utiles et désirables, ce serait à Sa Majesté Danoise à se charger des indemnités auxquelles il pourrait être reconnu des titres justes et équitables;

Enfin que c'est à Londres qu'auront lieu les négociations nécessaires pour donner aux arrangements en vertu desquels le Prince et la Princesse de Glücksbourg seront reconnus comme successeurs présomptifs au Trône de Danemark, le caractère d'une transaction Européenne.

Les Soussignés se réservent de soumettre le présent Protocole à leurs augustes Souverains et de solliciter leur haute approbation en faveur des dispositions qu'il renferme.

Varsovie, ce $\frac{24 \text{ Mai}}{5 \text{ Juin}}$, 1851.

(Signé) NESSELRODE.
MEYENDORFF.
REEDTZ.

Pour copie conforme:
(Signé) PRINCE A. GORTCHAKOW.

(Translation.)

Protocol No. 7.—Sitting of June 2, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

At Earl Russell's request, M. de Quaade reads the following declaration:—

"When, at the time of the conclusion of the Treaty of London, the present King of Denmark accepted the choice which had been made of his person to succeed eventually to the King then reigning, the principal and decisive motive for His Majesty's resolution was the firm hope that Europe would know how to maintain what she had recognized and resolved by that solemn Treaty. His Majesty would not by his refusal prevent the Danish Monarchy from receiving a further pledge of stability, and he knew, thanks to the renunciations and sacrifices made by the rightful claimants, that he infringed the rights of no one by accepting the offer which had been made to him.

"Since then things have changed, and His Majesty has been subjected to a most cruel disappointment. Notwithstanding his own efforts, and those of his devoted people, his sole support in carrying out a work in which almost all Europe had concurred, His Majesty has been compelled to consider the possibility of his hopes not being realized.

"If such is to be the case, if really the Powers of Europe wish to abandon the Treaty of London, His Majesty, to prevent the resumption of hostilities, will not oppose a territorial cession, provided always that he obtains thereby, not only peace, but also an independent and perfectly autonomous existence as regards the remainder of his States, and on condition that the future destiny of the territories ceded be not decided without their consent.

"The Danish Government accept, therefore, in principle the proposal made in the last sitting by Earl Russell for the re-establishment of peace between Denmark and the two great German Powers.

"But in order that this peace, so earnestly desired by us, may bring with it a true reconciliation, it is necessary that it should be in every respect adapted to secure to Denmark the independence which belongs to her of right, the political independence which the Treaty of London was meant to guarantee to her, and for the preservation of which the Danish people have not hesitated to engage singlehanded in a sanguinary conflict with forces far superior to their own.

"The Danish Plenipotentiaries must, therefore, at once observe that there are limits to the sacrifices which it is desired to impose upon Denmark which the Danish Government cannot exceed.

"Thus the new frontier of Denmark is a capital question for that country. She requires a frontier which shall provide for both her military and her commercial interests, and that frontier must be protected by sufficient guarantees.

"There is another point on which the Danish Government reserve to themselves full liberty.

"It is only on special conditions that His Majesty the King of Denmark will consent to the cession of the Duchy of Lauenburg. That country was acquired at the time by the King of Denmark in exchange for a part of Pomerania, to serve as an equivalent for the Kingdom of Norway, which was sacrificed for the re-establishment of the peace of Europe, and it is essentially unconcerned in the dispute which has caused the present war.

"Finally, the Danish Plenipotentiaries must claim for their Government full liberty to resume the position which they have invariably maintained until now on the ground of the Treaty of London, as soon as they may find that the provisional and conditional abandonment of that position will not conduce to a just and equitable arrangement, adapted to replace the provisions of that Treaty."

Earl Russell remarks that Baron de Brunnow had reserved the opinion of his Court as to the English proposals. He begs that Plenipotentiary to be so good as to inform him of their opinion.

Baron de Brunnow assures him that if the proposal is accepted by Denmark, he is perfectly authorized to adhere to a transaction arranged in this sense.

Earl Russell then referring to the objection made by Count de Bernstorff in the preceding sitting to the proposed line of frontier, inquires of the German Plenipotentiaries if they are prepared to present to the Conference the counter-proposals which they reserved the right of making on this subject.

Count de Bernstorff replies that the German Plenipotentiaries were not till now aware of the acceptance of the principle of the proposal by Denmark. They have not therefore as yet any detailed counter-proposals to present. They are of opinion that it is above all necessary to come to an understanding as to the prolongation of the suspension of hostilities.

The Earl of Clarendon thinks that this prolongation must be desired by everybody. At the last sitting the Danish Plenipotentiaries could not consent to it without being previously certain that there would be a serious chance of arriving at the restoration of peace; but this chance would not exist if an agreement could not be come to on so capital a point as that of the frontier.

Count Apponyi says that as the belligerent Powers on either side have accepted the principle of the English proposal, now would be the moment for coming to an understanding as to prolonging the suspension of arms. If the views of the Powers differ on the question of the frontier, they require more time to deliberate upon it. There now remain only ten days before the expiration of the suspension of hostilities.

On an observation of Earl Russell, Count de Bernstorff remarks that the German Plenipotentiaries have already pronounced their views at the last sitting with regard to the frontier proposed, and he quotes a part of the declaration which he had then made in the name of those Plenipotentiaries on this point. He thinks, however, he may announce that their instructions authorize them to propose a line of demarcation to be traced between Apenrade and Tondern.

M. de Quaade cannot accept the discussion of such a line, and points out that it is impossible for him to take it into consideration.

Count Apponyi explains that the starting point of the German Powers had been the entire separation of the Duchy of Schleswig, and that the proposal of the line of Apenrade is consequently already a concession.

Earl Russell remarks that the German Plenipotentiaries had not included the cession of Lauenburg in their first proposal, but only the complete separation of the Duchies of Sleswig and Holstein from Denmark.

Count Apponyi observes that, in fact, the cession of Lauenburg was not mentioned in the first proposal of the German Plenipotentiaries, and that it was only in consequence of the English proposal that they consented to accept the Duchy of Lauenburg as a compensation for a part of North Schleswig.

The Prince de la Tour d'Auvergne expresses his opinion that the cession of Lauenburg should be regarded as an object of exchange for the mixed part of Sleswig.

M. de Krieger maintains that the principle of nationality is a very essential element of the question, but not the only one to be taken into consideration.

Count de Bernstorff replies that particular regard has been paid to it in the German proposal; and M. de Biegeleben observes that according to the declaration of the Danish Plenipotentiaries themselves, it is the military and commercial interests of Denmark which should determine the tracing of the frontier, without any mention having been made of the principle of nationality in that declaration.

Baron de Brunnow says that his instructions direct him to support the opinions put forward by the Plenipotentiaries of Great Britain on the subject of the line of demarcation, that is to say, that it should not be traced more to the north than the line of the Slei and of the Dannewirke.

Count Wachtmeister begs to observe that the point which, in the plan of arrangement in question, most interests his Government, is the necessity of obtaining a good frontier for Denmark. This frontier, destined for centuries to separate Denmark and Germany, must, in his ideas, offer serious guarantees for the future security of Denmark, and as he has already observed in the preceding sitting, he could not consider these conditions as fulfilled by any line traced further to the north than that of the Dannewirke and the Slei, which he is consequently instructed to support, as the only one compatible with the future independence and security of Denmark.

The Plenipotentiary of Sweden and Norway begs to add some words with regard to Lauenburg. That province having been acquired by Denmark in exchange for a part of Pomerania which had been ceded to her by Sweden, his Government is peculiarly interested in the union of this Duchy with Denmark being left intact. Moreover, the Swedish

Government have never heard that the inhabitants of Lauenburg had made against the Danish Government complaints similar to those made by Holstein and a part of Sleswig. He hopes, therefore, that if the King of Denmark is induced by considerations of great importance to cede Lauenburg, it will be in return for an equitable compensation; and he thinks that that compensation might be found in the mixed and German part of Sleswig, which, according to the plan proposed by Lord Russell, would remain to Denmark, whose frontier would thus be established along the Slei and the Dannewirke.

The Earl of Clarendon asks in what sense Count de Bernstorff spoke of the Succession in Lauenburg as doubtful. It could only be by tearing up the Treaties in virtue of which Lauenburg forms part of the Kingdom of Denmark that doubts could be raised on this subject.

Count de Bernstorff replies that many German jurisconsults regard it as doubtful. That Duchy was ceded in 1816 by Hanover to Prussia, and by the latter to Denmark, and its ancient privileges and its Constitution, of which the order of Succession from male to male may be regarded as an integral part, were expressly guaranteed by the three Powers.

Baron de Brunnow says that the situation must be regarded in its actual state. Denmark has full right to demand compensations which are recognized as acceptable by the neutral Powers. The whole Conference must agree on this point.

The Earl of Clarendon believes that Count de Bernstorff does not set sufficient value on the cession of Lauenburg, which, according to M. de Quaade, has a population of 50,000 inhabitants, and revenues amounting to an average of 30,000*l.* (sterling) per annum.

Count de Bernstorff, referring to an observation of Count Wachtmeister's, is desirous of stating that Lauenburg made representations, like the other Duchies, to the Diet against the Danish Government, and that the States of that Duchy also protested in 1846, in consequence of the Letters-Patent of King Christian VIII, against the introduction of the feminine Succession as being contrary to their Constitution.

M. de Quaade remarks that the complaint in question was of very trifling importance, and that in his declaration he only made use of the word "essentially" unconcerned.

Baron de Brunnow requests permission to make an observation. He says that the Plenipotentiaries of Denmark have just manifested in their declaration, made in the name of His Majesty the King, intentions so noble and so elevated that he must render homage to the expression of those sentiments. He is convinced that all the Plenipotentiaries share his opinion on this point. From what time do the complaints made on the part of Holstein, Lauenburg, &c., date? Certainly not during the present reign, but from a former period. Hardly had King Christian mounted the Throne when he found himself surrounded with difficulties which became more threatening every day. No time was allowed him to repair the faults of the past, nor to calm the antipathies which date from distant periods. It would, therefore, be unjust to throw on his reign the responsibility of grievances which are in no way his work. The Ambassador of Russia only interprets the opinion of the other Plenipotentiaries of the neutral Powers in rendering justice to the sentiments and intentions of His Majesty the King.

Count Apponyi observes that there is no question as to the person of the King, but merely as to the system pursued by the Danish Government in the Duchies; and Count de Bernstorff adds that the incorporation of Schleswig was sanctioned during the present reign.

M. de Krieger does not think that it is at present necessary to demonstrate in a detailed manner how unfounded the alleged grievances are, but he must observe that the Duchy of Sleswig, long since incorporated in the Danish Crown, has never been incorporated in the Kingdom of Denmark, either during the late King's reign or during that of the present King; and he maintains that the only point which has caused serious discontent in Lauenburg was the question of the right of alienation of the domains in that Duchy.

Count de Bernstorff replies that, on the contrary, the complaint brought before the German Diet concerned the constitutional question.

The Prince de la Tour d'Auvergne points out the difference which exists between the situation of Lauenburg and that of the other Duchies with regard to the Danish Monarchy. In the declaration of the German Plenipotentiary there was no question of Lauenburg, but only of the other Duchies. In the first, the rights of the King of Denmark are incontestable. The cession of this Duchy may therefore be considered as a serious object for compensation.

M. de Biegeleben considers the compensation as having been offered by the German Plenipotentiaries.

The Earl of Clarendon insists on the necessity of finding a good frontier, military as well as commercial, for Denmark. In his opinion there should be no great difficulty in

coming to an agreement on the subject. The third part of the Duchy of Sleswig would not be a sufficient compensation for Lauenburg.

Baron de Beust says that he has been unwilling to interfere in the discussion of the old grievances of Schleswig and Holstein. It has seemed to him to be useless, as the Confederation regards their union with Denmark as having ceased since the death of the late King of Denmark. As regards the question of Succession in Lauenburg, it is regarded as doubtful and suspended. The German proposal has been made in such a manner as to say that Lauenburg would be an object of compensation, the question of right in that Duchy being less contested than in the other Duchies.

At Earl Russell's invitation, M. de Quaade then proposes as frontier a line to be traced to the south of the town of Eckenforde, and to the south of the town of Sleswig, following the line of the Dannewirke to Friedrichstadt.

A map showing the principal points through which this line would pass is annexed to the present Protocol under the letter A.

After it has been examined by the Plenipotentiaries, Earl Russell thinks it would be useful to state the points on which the Conference might perhaps agree :—

1. The King of Denmark will not oppose a territorial cession, provided it secures to Denmark not only peace, but also an independent and perfectly autonomous existence.

2. And on condition that the future destiny of the territories ceded shall not be arranged without their consent.

3. Denmark requires a frontier which shall provide at once for her military and her commercial interests.

4. This frontier must be protected by sufficient guarantees.

In this state of affairs, it appears to Earl Russell that it would agree but little with the honour of the European Powers not to succeed in finding a solution for the difficulties which remain to be settled without a recommencement of the war, which would be the most deplorable of all solutions. The Plenipotentiaries of the neutral Powers regard the conditions in question as perfectly just and reasonable. It would therefore be much to be regretted in the interests of Europe that war should recommence, and in that case it would be really difficult to foresee where and when it would stop.

Count Apponyi thinks it right to make a reservation as to the second point, in so far as it implies a direct appeal to the vote of the population. He cannot accept this form of proceeding either in principle or as the means of a practical solution, on account of the difficulty of obtaining in the mixed districts a frontier which would be acceptable, and at the same time would agree in each locality with the wishes of two nationalities so intermingled.

On this occasion M. de Biegeleben remarks that the Plenipotentiary of France recognized in the last sitting the absolute impossibility of taking nationality as a rule on this point.

Baron de Beust is of opinion that the plan of consulting the population would be susceptible of bringing about a practical result. He does not mean that each town and each village should be asked whether it wishes to be German or Danish, and should be disposed of in consequence, but that in such and such districts, destined to be detached from Schleswig, it should be ascertained whether the majority of the population is really Danish.

The Prince de la Tour d'Auvergne remarks that the Conference having laid down the principle of the separation of Sleswig, and that principle having been admitted as well by the German Plenipotentiaries as by the Danish Plenipotentiaries, the manner of proceeding indicated by Baron de Beust might produce a very different result from that which the Conference has in view. In the opinion of the Government of the Emperor, it is principally in the territories which are to be detached from the Danish Monarchy, and where it is intended to establish a new order of things, that it is indispensable to consult the population.

Baron de Beust persists in maintaining that the same principle is applicable to the districts which are to be separated from Schleswig.

Earl Russell inquires if the Plenipotentiaries of the belligerent Powers could not confer together with some chance of coming to an agreement as to the new frontier, without losing sight of the wishes of the population.

Count de Bernstorff declares himself ready to confer with the Danish Plenipotentiaries with this object, and to adopt all the means which may lead to an agreement, especially that of consulting the wishes of the population.

The Danish Plenipotentiaries declare themselves equally ready to confer with the German Plenipotentiaries, in case there should be any probability of their being able to come to an understanding as to the frontier to be traced.

Considering the difference between the two lines proposed, as well as the difficulty in tracing one which would combine the advantage of obtaining the suffiages of the population and that of protecting the military as well as the commercial interests of Denmark. it seems doubtful whether such a consultation would offer for the moment a serious chance of a solution.

During a discussion, in which all the Plenipotentiaries take part, on the difficulties connected with this question and on the means of obviating them, Count de Bernstorff says that he is not authorized to propose any other line but that of Apenrade, which he has already mentioned, but that he and his colleague desiring to do their best to arrive at a solution, would be disposed to recommend to their Government the adoption of a line which should commence at the Bay of Flensburg to the north of the town of that name, and terminate at Hoyer, passing to the north of Tondern, and which should include the Frisian Islands in the part of the Duchy to be united to Germany.

The Danish Plenipotentiaries consider this line as equally inadmissible.

Count de Bernstorff remarks that it is particularly important to know whether the Danish Plenipotentiaries can consent to a prolongation of the suspension of hostilities.

M. de Quaade replies that he has already expressed his opinion that his Government would not consent unless there were a probability of a pacific solution. But at present this probability is not apparent. He must declare, moreover, that the stipulations of the present suspension of hostilities have not been executed by the allied military authorities.

The German Plenipotentiaries maintain the contrary, and M. de Balan reads the following declaration :—

"The Plenipotentiaries of Prussia are authorized to adhere to a prolongation of the suspension of hostilities. They have received orders to demand that this prolongation should be as extended as possible, and that for this purpose it should not be limited by a term fixed beforehand, but by being denounced at four weeks' notice.

"The Plenipotentiaries are moreover charged by their Governments to call the attention of the Conference to the difference which exists between a suspension of hostilities and an armistice. The Plenipotentiaries of Prussia were authorized at the time to consent to an armistice on the basis proposed by Earl Russell. The Danish Plenipotentiaries, although they took this proposal *ad referendum*, did not decide on it subsequently, but returned, on the contrary, to the conditions of a suspension of hostilities, which they had rejected in the preceding sitting. Now it is evident that one of the distinctive characteristics of a simple suspension of hostilities, which leaves the respective armies in the countries which they continue to occupy, is that the quartering of the troops is compulsory.

"The allied armies have reason to complain on this subject of the ill-will which they have met with on the part of the authorities and of the population in Jutland, and the Plenipotentiaries of Prussia must consequently demand for the future that arrangements should be made to secure to the allied armies the carriages and horses which are indispensable for military administration, to regulate the supplies in an equitable manner, to protect the allied troops from a refusal of shelter, and to prevent in general any interpretation of the terms of the suspension of hostilities of the 9th of May incompatible with the requirements of a military occupation.

"The Plenipotentiaries of Prussia abstain from entering into details on this subject. They, however, reserve the right of returning to it, and of specifying, if necessary, the different subjects of complaint."

M. de Quaade, without wishing to enter into retrospective discussions, begs to observe that the difference between a suspension of hostilities and an armistice consists essentially in the point that the former ceases by the fact of its not being renewed, while an armistice does not cease until it has been denounced. He disputes the facts of which M. de Balan has just spoken, and maintains that the clauses of the present suspension of hostilities have not been executed by the allied armies, and that especially the inhabitants have not been paid, as had been agreed.

Count de Bernstorff declares that, on the contrary, everything has been paid for in money every Saturday, from the beginning.

M. de Krieger places under the eyes of the Plenipotentiaries of Prussia the letter of a Prussian General, dated the 13th of May, in which that officer refused to make any payment.

Count de Bernstorff explains this fact by supposing that the General in question was not yet aware of the clauses of the suspension of arms. Everything has been paid for since, adds Count de Bernstorff, and his Government will continue to pay for everything.

M. de Bille says that he has addressed a Memorandum to Her Britannic Majesty's

Principal Secretary of State, the presentation of which to the Conference he is disposed to demand, on the subject of the violation of the clauses of the suspension of hostilities.

Count de Bernstorff replies that the Prussian Plenipotentiaries will be compelled to present, on their part, a Memorandum to prove the contrary.

The information received by the Plenipotentiaries of Denmark and those of Prussia on this point does not agree.

On the question of the prolongation, the Danish Plenipotentiaries repeat that everything would depend on the probability of an understanding, and that in that case the prolongation could only be of very short duration until there should be a certainty of a pacification. There could always be time before the last day to agree on a prolongation, if necessary, and to give orders by telegraph to that effect.

M. de Biegeleben points out the injury which commerce will suffer, if uncertainty on the subject of the blockade is to continue up to the last moment.

M. de Krieger observes that the blockade has only ceased provisionally.

Baron de Brunnow asks in what the persuasion of the Danish Plenipotentiaries that they would arrive at peace would consist.

M. de Quaade replies by remarking that Denmark has accepted in principle the proposal of Earl Russell, resting on the basis of the division of Sleswig by means of a line not to be traced more to the north than the mouth of the Slei and the line of the Dannewirke; whilst the German Plenipotentiaries say that their Government might perhaps consent to a line taking its point of departure on the north of Flensburg. In this state of things, they are so far from coming to an understanding that the Danish Government cannot consent to the prolongation demanded.

Earl Russell, speaking in the name of the Plenipotentiaries of the neutral Powers, renders justice to His Majesty the King of Denmark, and to the spirit of conciliation by which His Majesty has shown himself to be animated in accepting the proposed conditions. In concert with Baron de Brunnow, he begs the Plenipotentiaries of Denmark to request a prolongation from their Government, in order to give the time necessary to continue the negotiations.

Baron de Brunnow, then addressing himself to the German Plenipotentiaries, remarks that the line accepted by Denmark is that which has obtained the support of the neutral Powers. He begs those Plenipotentiaries to approximate to it as far as possible, in order to prevent the resumption of hostilities.

The Prince de la Tour d'Auvergne and Count Wachtmeister express themselves in the same sense.

M. de Quaade repeats that it would be difficult for his Government to accede to a prolongation in the actual state of the negotiation, but he engages to recommend to the Cabinet of Copenhagen to take the question into serious consideration, and to inform them by telegraph of what has passed in the Conference.

The Earl of Clarendon observes that, even if the blockade is to be re established, it would be well in the interests of commerce to make it known as soon as possible. Its re-establishment would put an end to the Conference, which would be a result much to be regretted.

M. de Bille remarks, that there is a disagreement on the question of the fortresses, as well as on that of the frontier. He does not wish it to be supposed that in recommending the prolongation of the suspension of hostilities to the consideration of their Government, the Danish Plenipotentiaries consider the line proposed by the German Plenipotentiaries as acceptable.

M. de Balan says, that the last proposal of the Prussian Plenipotentiaries is, at all events, an approximation between the two lines proposed.

Baron de Brunnow, by order of his Court, makes the following communication to the Conference:—

"The Ambassador of Russia announces that the Emperor, wishing to facilitate, as far as depends on him, the arrangements to be concluded between Denmark and Germany, in view of the re-establishment of peace, has ceded to the Grand Duke of Oldenburg the eventual right which § 3 of the Protocol of Warsaw, of $\frac{\text{May 24}}{\text{June 5}}$, 1851, reserved to His Majesty as head of the elder branch of Holstein-Gottorp."

After having made this declaration by order of his Court, the Ambassador of Russia deposited the said Protocol among the archives of the Conference.

A copy thereof is annexed to the present Protocol under the letter B.

Count de Bernstorff then expresses himself in these terms:—

"I and my colleague feel it to be our duty to pay a tribute of respect to the exalted sentiments which have dictated to His Majesty the Emperor of Russia the resolution of

which Baron de Brunnow has just informed us, and which is destined to facilitate the work of peace, which forms the object of our deliberations."

The Plenipotentiaries of Austria entirely agree in the words pronounced by Count de Bernstorff.

Baron de Beust thus expressed himself: "Whilst hastening to show my respect for the sentiments of generosity and disinterestedness of which His Majesty the Emperor of Russia has given a fresh proof in the declaration which his Ambassador has just brought to our knowledge, I am compelled, in the name of the Confederation, to make the reservations which the Diet may consider necessary with regard to the effect of the Protocol of Warsaw, and to the pretensions which may be founded on that document."

The Prince de la Tour d'Auvergne says that he must take the opportunity which is offered him by the Ambassador of Russia, to maintain formally the views of his Government, according to which no new state of things can be established in the territories detached from the Danish Monarchy without the concurrence and consent of the populations loyally consulted. In other respects he is happy to be able to express his respect for the spirit of conciliation which has dictated the declaration of the Court of Russia.

Count Wachtmeister expresses himself in the following manner:—

"I must express my appreciation of the great proof of interest in the success of the labours of this Conference which has been given on the part of His Majesty the Emperor of Russia by the declaration which Baron de Brunnow has just read. This renunciation by the Emperor of the rights over part of Holstein which might fall to His Majesty under certain eventualities cannot but facilitate in a high degree the final arrangement which will dispose of the fate of Holstein. At the same time I must refer to my previous declaration, that in the opinion of my Government the future destiny of the countries which may be ceded by Denmark could not be decided without the consent of their inhabitants."

M. de Quaade is also desirous of rendering homage to the interest which His Majesty the Emperor of Russia takes in the re-establishment of peace; but thinks it right at the same time to observe that his Government considering the Treaty of London as being still in force, the combination settled by that Treaty has not yet failed.

Earl Russell also renders justice to the disinterested sentiments of which His Imperial Majesty has given proof under these circumstances, in order to facilitate the negotiations in case the Conference has to depart from the Treaty of London.

Baron de Brunnow replied:—

"I shall perform an agreeable duty in reporting to the Emperor the reception which the Plenipotentiaries, met together in Conference, have given to the communication which I have had the honour to make by His Majesty's commands. I am certain of the lively satisfaction with which the Emperor will appreciate the sentiments manifested by the Representatives of the friendly Powers who have rendered unanimous homage to his pacific intentions.

"On my part, I recognize the motives which have induced the Plenipotentiaries of the Germanic Confederation, as well as the Ambassador of France, not to express their opinion without adding thereto the reflections and reservations which are prescribed to them by their instructions and by their feeling of duty. Each of us should maintain the principles of which he is the organ. Each should point out the view which his Government takes of the questions which form the object of our deliberations. In this meeting we are all called upon to exchange our ideas with frankness, with cordiality, and without irritation. For my part I have expressed with perfect sincerity the principles of the Cabinet of Russia. The Protocol of the preceding sitting states them in those terms:—

"'If, subsequently, His Majesty Christian IX were to surrender the Duchy of Holstein, the question of the Succession would be open. In the opinion of the Plenipotentiary of Russia it could only receive a legal solution by paying due respect to the justice of the cause of the parties interested, who would have to assert their titles, in conformity with the principles of international law.'"

After having read this passage of Protocol No. 6 of the sitting of the 28th of May, Baron de Brunnow stated the considerations under the influence of which the Emperor of Russia has resolved to transfer the eventual rights of the elder branch of Holstein-Gottorp, of which he is the head, to the younger branch, represented by the Grand Duke of Oldenburg. His Majesty has reserved to that Sovereign to assert these united claims, when he may consider that the moment has arrived. As a member of the Germanic Confederation, that Prince will be called upon to make his claim himself in the legal course, before the Federal authority, on which he depends. The Emperor of Russia will remain unconcerned in this suit. He is henceforth released from any direct intervention in a question of contested Succession in Holstein—a question which he is desirous of not complicating.

Far from wishing to aggravate the difficulties which may retard the re-establishment of peace, His Majesty endeavours to diminish them.

The Plenipotentiary of Russia after having expressed these views, by order of the Emperor, added:—

"I congratulate myself on having been called upon to express, as I have just done, the sentiments of His Majesty, in depositing the Protocol of Warsaw of the year 1851 among the archives of the Conference. That document has given rise, more than once, to false interpretations. They will be contradicted by the publicity which the declaration I have just made in the name of the Emperor will not fail to acquire. The spirit of conciliation which presides over His Majesty's policy will then be generally known, as it has been unanimously appreciated to-day by all the members of the Conference."

It is agreed that the next meeting of the Conference shall take place on Monday, the 6th of June, at 1 o'clock.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Annex A to Protocol No. 7.

Map of the Southern part of the Duchy of Slesvig.

Annex B to Protocol No. 7.

Protocol of Warsaw, 1851.

(Translation.)

HIS Majesty the Emperor of all the Russias, and His Majesty the King of Denmark, taking into consideration the engagements entered into between their august predecessors, in the years 1767 and 1773;

Considering that, as well for establishing the tranquillity of the north of Europe on a durable footing, as for removing all that could then, or for the future, give rise to misunderstandings or differences in the august House of Oldenburg, the Emperor Paul, of glorious memory, then Grand Duke of Russia, renounced for himself, as also for his heirs and descendants, in favour of His Majesty King Christian VII, of glorious memory, as also of the heirs of his Royal Crown, all his rights and pretensions to the Duchy of Schleswig in general, and to the heretofore princely portion of that Duchy in particular;

That in the same manner, and from the same motives, His Majesty the Emperor Paul ceded for himself, as also for his descendants, heirs, and successors, all that he possessed in the Duchy of Holstein, whether in common with His Majesty the King of Denmark, or separately;

Considering that this Act of Cession of the Duchy of Holstein has only been made expressly in favour of His Majesty King Christian VII, and of his male lineage, and also eventually in favour of the late Prince Frederick, the King's brother, and of the male lineage of that Prince; and

That the eventualities which the terms themselves of this Act of Cession admitted, have already, in part, been realized by the extinction of the male lineage of King Christian VII, or may be realized at a period more or less near, without the said transactions having in any manner provided for them;

Foreseeing the dangers which this silence in existing Treaties may cause to the Danish Monarchy, if, on the extinction of the male line actually on the Throne of Denmark, the *lex regia* should receive its pure and simple application to one part of the Monarchy;—

Have acknowledged the obligation and the right, as successors of the august Contracting Parties to the engagements of 1767 and 1773, to come to an understanding

as to the ulterior arrangements most suited to the double object which they have had in view.

In consequence, the Undersigned, after mature examination of all the questions connected with this affair, have agreed amongst themselves, under the express reservation of the high approbation of their respective Sovereigns, and have embodied in the present Protocol the points which follow:—

1. The objects proposed in the interest of the peace of the North, as well as that of the internal peace of the august House of Oldenburg, namely, the maintenance of the integrity of the Danish Monarchy, can only be realized by means of an arrangement summoning to the Succession of the whole of the States actually united under the sceptre of His Majesty the King of Denmark, the male lineage solely, to the exclusion of women.

2. The male lineage of Prince Christian of Schleswig-Holstein-Sonderburg-Glücksburg, and of his consort the Princess Louise of Hesse, unites in itself the rights of inheritance, which, on the extinction of the male line actually reigning in Denmark, devolve upon it in virtue of the renunciations of Her Royal Highness the Landgravine Charlotte of Hesse, of her son Prince Frederick of Hesse, and of her daughter the Princess Mary of Anhalt-Dessau.

3. Wishing, on his part, to complete the titles resulting from these renunciations, and thus to effect an arrangement which would be of such high importance and interest for the maintenance of the Danish Monarchy in its integrity, His Majesty the Emperor of all the Russias, as Chief of the elder branch of Holstein-Gottorp, would be ready to renounce the eventual rights which belong to him in favour of Prince Christian of Glücksburg, and of his male lineage.

Nevertheless it is understood:

That the eventual rights of the two younger branches of Holstein-Gottorp should be expressly reserved;

That those which the august Chief of the elder branch should abandon for himself and for his male lineage in favour of Prince Christian of Glücksburg and of his male lineage, should be revived in the Imperial House of Russia whenever (which God forbid) the male lineage of that Prince should become extinct;

That inasmuch as the renunciation of His Majesty the Emperor would principally have for its object to facilitate an arrangement called for by the first interests of the Monarchy, the offer of such a renunciation would cease to be obligatory if the arrangement itself should fail.

4. In consequence of the considerations which are above pointed out by the above §§ 2 and 3, the Prince Christian of Glücksburg, conjointly with the Princess his consort, and in their default the male lineage of their Highnesses, would have, more than any other branch, claims which qualify them to succeed, if the contingency should arrive, to the States actually united under the sceptre of His Danish Majesty.

Consequently the two Courts of St. Petersburgh and Copenhagen have agreed,

That His Majesty the King of Denmark shall designate the Prince and Princess of Glücksburg conjointly as heirs presumptive of his Crown, in case the male line of the dynasty actually reigning should become extinct;

That His Majesty shall make known his high determination to the Powers in amity with Denmark

That if, to ensure the complete success of this arrangement, still further renunciations should be deemed useful and desirable, it would be for His Danish Majesty to make himself responsible for the indemnities to which just and equitable claims should be established;

Finally, that the negotiations necessary to give to the arrangements in virtue whereof the Prince and Princess of Glücksburg shall be acknowledged as successors presumptive to the Throne of Denmark, the character of an European transaction, shall take place in London.

The Undersigned reserve to themselves to submit the present Protocol to their august Sovereigns, and to solicit their high approbation in favour of the provisions it contains.

Warsaw, this 21 May / 2 June 1851.

(Signed) NESSELRODE.
MEYENDORFF.
REEDTZ.

True copy.
(Signed) PRINCE A. GORTCHAKOW.

BREDSTEDT AMT
HUSUM AMT
GOTTORF
AMT
MEGGERDORF HERRED
HUTTEN
AMT
EIDERSTEDT
DITMARSKEN
FEHRORN
NORD
STRAND

Annexe A to [illegible]

EKERNFÖRDE FJORD
EKERNFÖRDE
DANISCHWOLD
HERRD
OLSTEN
KIELER Ort
FJORD
Westen See
Bordesholmer See
Flintbek
Kl Flintbek
Gr Flintbek
Kl Barkau
Gr Barkau
Hanningsee
Bönhusen
Tschelsdorf
Blumenthal
Blocksdorf
Eckendorf
Gr Vollstedt
Langwedel
Grevenkrug
Sören
Bramstedt
Bovenau
Fockendorf
Rendsburg
Nortorf
Neumünster
Kiel
Preetz
Plön
Eutin
Oldenburg
Lübeck
Schleswig
Flensburg
Husum
Tondern
Apenrade
Hadersleben
Sonderburg
Louisenlund
Langholt
Vahs
Fockbek
Hohenwestedt
Aukrug
Hademarschen
Itzehoe
Krempe
Wilster
Brunsbüttel
Heide
Meldorf
Tellingstedt
Lunden
Tönning
Friedrichstadt
Garding
Eiderstedt
Pellworm
Nordstrand
Amrum
Sylt
Föhr
Helgoland
Dagebüll
Niebüll
Ladelund
Leck
Bredstedt
Schwabstedt
Friedrichsort
Holtenau
Wellingdorf
Dänischenhagen
Schönberg
Probsteierhagen
Heikendorf
Mönkeberg
Gaarden
Ellerbek
Wellingsbüttel
Hasselbrook
Barmbek
Uhlenhorst
Eppendorf
Winterhude
Eimsbüttel
Altona
Ottensen
Hamburg
Billwärder
Bergedorf
Reinbek
Wandsbeck
Hoisdorf
Ahrensburg
Oldesloe
Segeberg
Kaltenkirchen
Quickborn
Pinneberg
Elmshorn
Uetersen
Tornesch
Wedel
Blankenese
Harburg
Winsen
Lüneburg
Ratzeburg
Mölln
Lauenburg
Boizenburg
Hagenow
Schwerin
Wismar
Rostock
Doberan
Neustadt
Oldenburg
Eutin
Plön
Preetz
Kiel
Rendsburg
Nortorf
Neumünster
Bramstedt
Bad Segeberg
Kaltenkirchen
Itzehoe
Krempe
Wilster
Brunsbüttel
Heide
Meldorf
Tellingstedt
Lunden
Tönning
Friedrichstadt
Garding
Eiderstedt
Pellworm
Nordstrand
Amrum
Sylt
Föhr
Helgoland
Dagebüll
Niebüll
Ladelund
Leck
Bredstedt
Schwabstedt
Husum
Tondern
Apenrade
Hadersleben
Sonderburg
Flensburg
Schleswig
Eckernförde
Louisenlund
Langholt
Vahs
Fockbek
Hohenwestedt
Aukrug
Hademarschen
Oldenburg
Lübeck
Ratzeburg
Mölln
Lauenburg
Boizenburg
Hagenow
Schwerin
Wismar
Rostock
Doberan
Neustadt
Lüneburg
Winsen
Harburg
Wedel
Blankenese
Uetersen
Tornesch
Elmshorn
Pinneberg
Quickborn
Kaltenkirchen
Segeberg
Oldesloe
Ahrensburg
Hoisdorf
Reinbek
Bergedorf
Billwärder
Hamburg
Ottensen
Altona
Eimsbüttel
Winterhude
Eppendorf
Uhlenhorst
Barmbek
Hasselbrook
Wellingsbüttel
Ellerbek
Gaarden
Mönkeberg
Heikendorf
Probsteierhagen
Schönberg
Dänischenhagen
Wellingdorf
Holtenau
Friedrichsort
KIELER Ort
FJORD
Sachsdorf
Ottendorf
Stampe
Kronshagen
Flemhude
Molfsee
Hasseldieksdamm
Dorfgarten
Schauenburg
Fiusse
Flakee
Brandsbek
Tolde
Hohenhude
Bordesholm
Westensee
Bokhorst
Brucks
Wrohe
Kl Schierensee
Ramohr
Sprenge
Blumenthal
Bönhusen
Tschelsdorf
Kl Barkau
Gr Barkau
Hanningsee
Kirck Barkau
Postfeld
Bärmissen
Blocksdorf
Eckendorf
Gr Vollstedt
Langwedel
Grevenkrug
Sören
Bramstedt
Bovenau
Fockendorf
Rendsburg
Nortorf
Neumünster
Kiel
Preetz
Plön
Eutin
Oldenburg
Lübeck
Schleswig
Flensburg
Husum
Tondern
Apenrade
Hadersleben
Sonderburg
Louisenlund
Langholt
Vahs
Fockbek
Hohenwestedt
Aukrug
Hademarschen
Itzehoe
Krempe
Wilster
Brunsbüttel
Heide
Meldorf
Tellingstedt
Lunden
Tönning
Friedrichstadt
Garding
Eiderstedt
Pellworm
Nordstrand
Amrum
Sylt
Föhr
Helgoland
Dagebüll
Niebüll
Ladelund
Leck
Bredstedt
Schwabstedt
Bad Segeberg
Kaltenkirchen
Quickborn
Pinneberg
Elmshorn
Uetersen
Tornesch
Wedel
Blankenese
Harburg
Winsen
Lüneburg
Ratzeburg
Mölln
Lauenburg
Boizenburg
Hagenow
Schwerin
Wismar
Rostock
Doberan
Neustadt
Oldenburg
Eutin
Plön
Preetz
Kiel
Rendsburg
Nortorf
Neumünster
Bramstedt

Protocole No. 8.—Séance du 6 Juin, 1864.

Présents :

MM. les Plénipotentiaires de l'Autriche ;
MM. les Plénipotentiaires du Danemark ;
M. le Plénipotentiaire de France ;
M. le Plénipotentiaire de la Confédération Germanique ;
MM. les Plénipotentiaires de la Grande Bretagne ;
MM. les Plénipotentiaires de la Prusse ;
M. le Plénipotentiaire de Russie ; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte Russell, se référant aux paroles par lesquelles, d'après le Protocole No. 7, MM. les Plénipotentiaires des Puissances Allemandes avaient proposé une prolongation de la suspension d'hostilités, et à l'appui que MM. les Plénipotentiaires des Puissances neutres avaient prêté à cette proposition, prie M. le premier Plénipotentiaire du Danemark de vouloir bien faire part à la Conférence de la réponse du Gouvernement Danois à ce sujet.

M. de Quaade cite sa déclaration de la séance précédente, dans laquelle il a exprimé l'opinion que son Gouvernement ne consentirait pas à une prolongation de la suspension d'hostilités à moins qu'il n'y eût chance sérieuse de tomber d'accord sur un point aussi capital que celui de la frontière. Le Cabinet de Copenhague cependant, afin de donner une nouvelle preuve de son désir d'arriver au rétablissement de la paix, consentira à une prolongation de quinze jours, à condition que les clauses en soient exécutées d'une manière loyale. Pour cette condition le concours de MM. les Plénipotentiaires Allemands lui paraîtrait une garantie suffisante. Dans la pensée de son Gouvernement cette prolongation de quinze jours à partir du 12 Juin devrait suffire pour fixer les parties sur les chances d'une solution pacifique.

M. le Comte Russell demande à MM. les Plénipotentiaires Allemands s'ils sont disposés à accepter la prolongation accordée.

M. le Comte Apponyi répond que son Gouvernement a toujours désiré une prolongation, et cela pour le plus longtemps possible ; mais il ne s'attendait pas à un terme aussi court que celui de quinze jours. Ce serait une espèce de pression morale qui peserait sur les délibérations de la Conférence.

M. le Comte de Bernstorff ne peut que se référer à la déclaration dont M. de Balan a donné lecture à la séance précédente, et dans laquelle il est dit que MM. les Plénipotentiaires Prussiens ont reçu l'ordre de demander une prolongation aussi étendue que possible, "et qu'à cet effet elle ne soit pas limitée par un terme fixé d'avance, mais par une dénonciation qui le précéderait de quatre semaines."

D'après les instructions de leur Gouvernement, il est impossible à MM. les Plénipotentiaires de la Prusse d'accepter une prolongation qui ne serait limitée qu'à quinze jours.

M. le Comte Russell fait observer que parmi les points qui ont été discutés par la Conférence, celui de la frontière lui paraît le seul qui offre des difficultés sérieuses, et que même sur ce point là on pourrait bien parvenir à s'entendre en trois semaines. Il regretterait beaucoup si MM. les Plénipotentiaires Allemands ne consentaient pas à la prolongation concédée par le Danemark.

M. le Comte de Clarendon exprime l'opinion que tout le monde apprendrait avec une pénible surprise le refus de MM. les Plénipotentiaires de la Prusse d'y accéder. La question en dispute entre l'Allemagne et le Danemark s'est réduite depuis l'ouverture de la Conférence à des proportions beaucoup plus étroites, et le seul point vraiment difficile qui reste à régler est celui de la frontière. On pourrait bien tomber d'accord en principe sur ce point dans les trois semaines qui resteraient. Sans cet accord, il serait naturel que le Danemark ne consentît pas à une prolongation ultérieure. Si MM. les Plénipotentiaires Prussiens n'acceptent pas la concession actuelle, la responsabilité de la rupture de la Conférence tombera sur eux.

M. le Comte de Bernstorff en décline la responsabilité, et dit qu'il ne comprend pas la surprise dont M. le Comte de Clarendon vient de parler. Il est toujours prêt à prolonger la suspension d'hostilités, mais pas pour un terme aussi limité que quinze jours. La question est toute militaire. Il lui paraît impossible que les Puissances alliées restent sous la menace continuelle de la reprise des hostilités.

M. le Comte de Clarendon ayant observé qu'une prolongation de l'armistice ne pourrait en rien changer la question militaire, M. de Balan fait valoir que l'administration d'une

grande armée exige des mesures dont l'exécution n'est possible que si la suspension des hostilités est assurée pour plusieurs mois.

M. le Baron de Beust présume que le point de vue d'après lequel les Puissances Allemandes envisagent la question se rapporte en partie aux intérêts du commerce. Aucune espèce de mouvement commercial ne pourrait se faire à moins que le terme ne fût prolongé.

M. le Comte de Bernstorff déclare que son Gouvernement n'a accepté la suspension pour un mois que par excès de conciliation.

M. le Prince de la Tour d'Auvergne reconnaît qu'au point de vue des intérêts commerciaux, auxquels M. le Baron de Beust vient de faire allusion, il eût été très désirable qu'on pût s'entendre pour prolonger la suspension des hostilités au delà du terme proposé par MM. les Plénipotentiaires Danois ; mais il lui semble qu'une suspension, même de quinze jours, est encore préférable à la reprise des hostilités, et que MM. les Plénipotentiaires Prussiens, en supposant que leurs instructions ne leur permettent pas d'accepter cette proposition, ne sauraient se refuser à la prendre *ad referendum*.

M. le Baron de Brunnow s'associe aux sentiments exprimés par M. le Prince de la Tour d'Auvergne. Considérant également la question dans l'intérêt des négociations actuellement ouvertes, il regrette qu'un espace de temps plus long n'ait pas été accordé par le Danemark, mais il invite MM. les Plénipotentiaires Allemands à ne pas refuser ce terme, quelqu'insuffisant qu'il soit.

M. de Krieger soutient que son Gouvernement fait déjà un sacrifice en accordant les quinze jours, et que Lord Clarendon a eu raison de dire que s'il y a possibilité de s'entendre sur la frontière, on devrait pouvoir le faire d'ici au 26 Juin.

Il semble aussi à M. le Comte Wachtmeister que le terme de quinze jours ou de trois semaines devrait suffire pour établir un accord sur la question de la frontière.

M. le Comte de Bernstorff dit qu'après les déclarations de MM. les Plénipotentiaires Danois, la Conférence ne lui paraît pas aussi prête à s'entendre qu'on le suppose.

M. de Biegeleben demande pourquoi un terme aussi court a été proposé. Quatre semaines ne lui paraîtraient pas trop.

M. de Quaade répond que son Gouvernement a ses raisons, ainsi que le droit d'en juger.

M. le Comte Apponyi n'a pas d'instructions sur la limitation du terme, ni pour un maximum, ni pour un minimum. Il sait seulement que son Gouvernement attache un grand prix à ce que la suspension des hostilités soit prolongée, et qu'on regrette à Vienne que la question n'ait pas été déjà réglée. Cependant les instructions de ses collègues Prussiens sont tellement précises qu'il ne peut que prendre la proposition *ad referendum*.

M. le Comte Russell fait observer que si on tombait d'accord sur le point capital, le Gouvernement de Danemark ne s'opposerait probablement pas à une prolongation ultérieure, et qu'il y aurait alors le temps de discuter les autres points qui resteraient à régler.

M. le Comte de Bernstorff soutient qu'il serait mieux d'adopter une suspension qui ne serait limitée que par une dénonciation de part ou d'autre, et qui en tout cas ne durerait pas moins de deux mois. Dans ce cas l'une des Parties pourrait la dénoncer aussitôt qu'elle aurait acquis la certitude qu'il n'y a plus de chance de tomber d'accord.

M. de Krieger répète que si, comme il l'espère, il y a possibilité de s'entendre, on doit toujours pouvoir tomber d'accord dans les quinze jours.

M. de Balan parle de la position des troupes Allemandes dans le Jutland comme étant très onéreuse. Pour un espace de temps aussi court il ne serait pas possible à son Gouvernement de faire les arrangements militaires qu'exige la situation.

M. le Comte de Clarendon ne comprend pas quelle difficulté il y aurait à laisser continuer l'état de choses actuel pour quinze jours de plus. Dans l'intérêt du commerce également, ce serait toujours un avantage.

M. le Comte de Bernstorff fait remarquer que ses instructions sont toutefois plus pacifiques que celles de MM. les Plénipotentiaires Danois.

M. le Comte de Clarendon répond que c'est chose facile pour la Puissance qui occupe une province étrangère, mais que le Danemark peut bien désirer mettre fin à cet état de choses. Il rappelle que si la prolongation n'est pas acceptée, le blocus sera probablement rétabli le 12 Juin, et que le commerce ne pourra qu'en souffrir.

M. le Comte Apponyi exprime l'opinion que si la solution de la question était simple, les quinze jours suffiraient, mais qu'il faudra entrer en beaucoup de détails, et peut-être même prendre des renseignements sur les lieux, avant de s'entendre sur une question aussi compliquée que celle de la frontière.

M. le Comte de Clarendon admet que s'il devenait nécessaire d'envoyer sur les lieux une Commission de délimitation, il faudrait plus de quinze jours. Mais on arriverait

nécessairement à une entente préalable sur le principe avant de l'envoyer, et dans ce cas il ne resterait qu'à régler les détails.

M. le Comte de Bernstorff regrette d'être dans l'impossibilité d'accepter la proposition, mais ses instructions sont très précises sur ce point, et il n'est pas autorisé à accéder à un terme de plus courte durée que de deux mois, ou d'une durée illimitée avec un terme de dénonciation d'un mois après l'expiration du premier mois.

Après un échange d'idées entre tous les Plénipotentiaires, et après que MM. les Représentants des Puissances neutres ont exprimé leur vif désir que les Plénipotentiaires de la Prusse portent, en la recommandant, la proposition du Gouvernement Danois à la connaissance de leur Cour, M. le Comte de Bernstorff déclare que par égard pour ces Puissances, lui et son collègue ne se refuseront pas à faire connaître la proposition à leur Gouvernement, et que dès qu'ils auront reçu une réponse de Berlin, ils en avertiront M. le Principal Secrétaire d'Etat, afin que la Conférence puisse être réunie au plus tôt. Mais en se prêtant ainsi à porter la proposition Danoise à la connaissance de son Gouvernement, M. le Comte de Bernstorff croit devoir déclarer positivement qu'il ne pourra sous aucune condition être question d'une prolongation future de la suspension d'armes de quinze à quinze jours, et qu'il comprend la proposition actuelle en ce sens, que les hostilités doivent encore être suspendues pour quinze jours, afin d'avoir le temps de s'entendre sur la ligne de frontière, et que si l'on n'y réussit pas, la guerre recommencera infailliblement après l'expiration de ce terme.

M. de Quaade tient à rappeler que la prolongation de quinze jours n'a été accordée par son Gouvernement qu'à condition qu'un accord s'établisse quant à l'exécution des termes de la suspension d'hostilités. Il compte sur le concours loyal de MM. les Plénipotentiaires Allemands dans ce but.

M. de Balan fait observer que les Plénipotentiaires de la Prusse continueront de prêter leurs bons offices pour éclaircir les faits et faire cesser les malentendus, mais qu'ils sont en même temps chargés de se plaindre dans la Conférence de la manière dont les autorités Danoises éludent les stipulations du 9 Mai, ce qui n'exclut pas qu'on puisse se communiquer de part et d'autre confidentiellement et directement les renseignements reçus sur les différents objets de plainte.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 8.—*Sitting of June* 6. 1864.

Present:—

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiaries of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Earl Russell, referring to the words in which, according to Protocol No. 7, the Plenipotentiaries of the German Powers had proposed a prolongation of the suspension of hostilities, and to the support which the Plenipotentiaries of the neutral Powers had given to that proposal, begs the first Plenipotentiary of Denmark to be so good as to inform the Conference of the answer of the Danish Government with respect to it.

M. de Quaade quotes his declaration of the preceding sitting, in which he expressed his opinion that his Government would not consent to a prolongation of the suspension of hostilities, unless there should be a serious chance of coming to an agreement upon such a vital point as that of the frontier. Nevertheless, the Cabinet of Copenhagen, in order to give a fresh proof of its desire to attain the restoration of peace, will consent to a prolongation for a fortnight, provided that the terms of it are executed in a loyal manner. With a view to this condition, the assistance of the German Plenipotentiaries would appear to him to be a sufficient guarantee. In the opinion of his Government, this prolongation of a fortnight from the 12th of June, ought to be sufficient to show whether the Parties are likely or not to arrive at a pacific solution.

Earl Russell inquires of the German Plenipotentiaries whether they are disposed to accept the prolongation conceded.

Count Apponyi replies that his Government has always desired a prolongation, and that for as long a period as possible; but he did not expect such a short period as a fortnight. It would create a kind of moral pressure which would weigh upon the deliberations of the Conference.

Count de Bernstorff can only refer to the declaration read by M. de Balan in the course of the preceding sitting, in which it is said that the Prussian Plenipotentiaries have been ordered to ask for as extended a prolongation as possible, "and that with that view it should not be limited by a date fixed beforehand, but by being denounced at four weeks' notice."

According to the instructions of their Government, it is impossible for the Plenipotentiaries of Prussia to accept a prolongation of only a fortnight's duration.

Earl Russell observes that of the points which have been discussed by the Conference, that of the frontier appears to him to be the only one involving serious difficulties, and that even upon that point an understanding might be come to in three weeks. He would greatly regret if the German Plenipotentiaries did not agree to the prolongation granted by Denmark.

The Earl of Clarendon expresses his opinion that every one would learn with painful surprise the refusal of the Plenipotentiaries of Prussia to agree to it. The question in dispute between Germany and Denmark has been reduced to much narrower proportions since the opening of the Conference, and the only remaining point which is really difficult to arrange is that of the frontier. It would be quite possible to come to an agreement as to the principle upon this point in the three weeks which remain. Except in the case of such an agreement it would be natural that Denmark should not consent to a further prolongation. If the Prussian Plenipotentiaries do not accept the present concession, the responsibility of breaking up the Conference will devolve upon them.

Count de Bernstorff declines any such responsibility, and says that he does not understand the surprise just spoken of by the Earl of Clarendon. He is always ready to prolong the suspension of hostilities, but not for such a limited period as a fortnight. The question is entirely a military one. It appears to him impossible that the allied Powers can remain under the continual threat of a recommencement of hostilities.

The Earl of Clarendon having observed that a prolongation of the armistice could effect no change in the military question, M. de Balan points out that the administration of a large army requires measures, the execution of which is only possible if the suspension of hostilities is secured for several months.

Baron de Beust presumes that the light in which the German Powers view the question has partly reference to the interests of commerce. No kind of commercial movement could take place unless the duration should be prolonged.

Count de Bernstorff declares that his Government only accepted the suspension for one month from excess of conciliation.

The Prince de la Tour d'Auvergne acknowledges that in regard to the commercial interests just alluded to by Baron de Beust, it would be very desirable to be able to arrange a prolongation of the suspension of hostilities for a longer period than that proposed by the Danish Plenipotentiaries; but it appears to him that a suspension, even for a fortnight, is far preferable to the recommencement of hostilities, and that the Prussian Plenipotentiaries in supposing that their instructions do not authorize them to accept this proposition, can scarcely refuse to take it *ad referendum*.

Baron de Brunnow agrees with the sentiments expressed by the Prince de la Tour d'Auvergne. Considering the question likewise in the interest of the negotiations actually opened, he regrets that a longer time has not been granted by Denmark; but he begs the German Plenipotentiaries not to refuse the time, insufficient as it is.

M. de Krieger maintains that his Government are already making a sacrifice in granting a fortnight, and that Lord Clarendon was right in saying, that if there is a possibility of

coming to an understanding about the frontier, it ought to be possible between the present time and the 26th of June.

It appears also to Count Wachtmeister that the period of a fortnight or three weeks ought to suffice to bring about an understanding upon the Frontier question.

Count de Bernstorff says, that after the declaration of the Danish Plenipotentiaries, the Conference does not appear to him to be so near to an understanding as is supposed.

M. de Biegeleben asks why such a short period has been proposed. Four weeks would not in his opinion be too much.

M. de Quaade replies, that his Government have their reasons, as well as the right to judge of them.

Count Apponyi has no instructions with regard to the limitation of time, either as to a maximum or a minimum. He only knows that his Government attach great importance to getting the suspension of hostilities prolonged, and that it is regretted at Vienna that the question has not been already arranged. The instructions, however, of his Prussian colleagues are so precise that he can only take the proposal *ad referendum*.

Earl Russell remarks, that if an agreement was come to upon the principal point, the Danish Government would probably not object to a further prolongation, and that there would then be time to discuss the other points remaining for settlement.

Count de Bernstorff maintains that it would be better to adopt a suspension which would only be limited by a notice given by either party, and which would at any rate not last for less than two months. In this case either one of the parties would be able to denounce it, upon becoming convinced that there was no longer a chance of coming to an agreement.

M. de Krieger repeats that if, as he hopes, there is a possibility of coming to an agreement, it ought to be possible within a fortnight.

M. de Balan speaks of the position of the German troops in Jutland, as being very burdensome. For so short a space of time, it would not be possible for his Government to make the arrangements required by the situation.

The Earl of Clarendon does not understand what difficulty there would be in allowing the present state of things to continue for another fortnight. In the interest of commerce likewise, it would still be an advantage.

Count de Bernstorff remarks that his instructions are nevertheless more pacific than those of the Danish Plenipotentiaries.

The Earl of Clarendon answers that it is an easy thing for the Power which is in occupation of a foreign province, but that Denmark may well desire to put an end to such a state of things. He calls to mind that if the prolongation is not accepted, the blockade will probably be re-established on the 12th of June, and that commerce cannot but suffer from it.

Count Apponyi expresses his opinion that if the solution of the question was simple, a fortnight would be sufficient, but that it will be necessary to enter into many details, and perhaps even to collect information on the spot, before coming to an agreement upon such a complicated question as that of the frontier.

The Earl of Clarendon allows that if it were to become necessary to send a Boundary Commission to the spot, more than a fortnight would be required. But a preliminary understanding would necessarily be arrived at as to the point of principle, before sending out such a Commission, and in that case it would only remain to settle the details.

Count de Bernstorff regrets that it is impossible for him to accept the proposal, but his instructions are very precise upon the point, and he is not authorized to accede to any shorter period than one of two months, or of unlimited duration, with the power of denunciation at a month's notice after the end of the first month.

After an interchange of ideas between all the Plenipotentiaries, and after the Representatives of the neutral Powers had expressed their earnest desire that the Plenipotentiaries of Prussia should make known and recommend to their Court the proposal of the Danish Government, Count de Bernstorff declares that, from regard for those Powers, he and his colleague will not refuse to convey the proposal to the knowledge of their Government, and that as soon as they receive an answer from Berlin, they will inform the Principal Secretary of State, in order that the Conference may be summoned as soon as possible. But in agreeing thus to make known the Danish proposal to his Government, Count de Bernstorff thinks it right to declare positively that there can be no further question, under any circumstances, of a future prolongation of the suspension of arms from fortnight to fortnight; and that he understands the present proposal in this sense, that hostilities must be further suspended for a fortnight, in order to give time for coming to an under-

standing upon the line of frontier; and that if the Conference does not succeed in this, the war will infallibly recommence after the expiration of that period.

M. de Quaade wishes to remind the Conference that the prolongation for a fortnight has only been granted by his Government upon condition that an agreement is come to as to the fulfilment of the terms of the suspension of hostilities. He counts upon the loyal assistance of the German Plenipotentiaries for that purpose.

M. de Balan observes that the Plenipotentiaries of Prussia will continue to lend their good offices to explain facts and put an end to misunderstandings, but that they are at the same time instructed to complain in the Conference of the manner in which the Danish authorities elude the stipulations of the 9th of May, which need not prevent, however, their communicating to each other, confidentially and directly, the information received respecting the different matters of complaint.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 9.—Séance du 9 Juin, 1864.

Présents :

MM. les Plénipotentiaires de l'Autriche ;
MM. les Plénipotentiaires du Danemark ;
M. le Plénipotentiaire de France ;
M. le Plénipotentiaire de la Confédération Germanique ;
MM. les Plénipotentiaires de la Grande Bretagne ;
MM. les Plénipotentiaires de la Prusse ;
M. le Plénipotentiaire de Russie ; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Baron de Brunnow, en se référant à la dernière observation faite par M. le Comte de Bernstorff, et rapportée dans le Protocole No. 8, dit qu'il diffère de l'interprétation que M. l'Ambassadeur de Prusse donne aux termes dans lesquels MM. les Plénipotentiaires du Danemark ont annoncé l'intention de leur Gouvernement de prolonger de quinze jours la suspension d'armes, établie jusqu'au 12 Juin.

M. le Plénipotentiaire de Russie pense qu'on ne rendrait pas justice à la sagesse des déterminations du Cabinet de Copenhague si l'on voulait lui prêter l'intention de recommencer *infailliblement* la guerre après l'expiration de ce terme.

Dans son opinion, il ne faut jamais fermer la voie à des conseils de paix. Il ne faut pas dire que la guerre soit irrévocablement résolue, aussi longtemps que les Représentants des Grandes Puissances de l'Europe se trouvent réunis en Conférence, dans le but de vouer tous leurs efforts au rétablissement de la paix.

Pour sa part, M. le Plénipotentiaire de Russie a confiance dans les sentiments de conciliation dont tous les Cabinets se montrent animés. Il espère que cette confiance sera justifiée par le résultat pacifique des travaux de la Conférence de Londres.

M. le Comte de Bernstorff répond qu'en consentant à porter à la connaissance de son Gouvernement la proposition du Gouvernement Danois, il l'a précisée dans les mêmes termes qui se trouvent insérés dans le Protocole, et que M. le premier Plénipotentiaire du Danemark a reconnu que c'était là le sens de la proposition.

M. de Quaade reconnaît qu'il retrouve dans la déclaration faite à la séance du 6 Juin par M. le premier Plénipotentiaire de la Prusse le sens général de la proposition du Gouvernement Danois, mais il ajoute qu'il ne s'est pas servi du mot "infailliblement."

Sur l'invitation de M. le Comte Russell, M. le Comte de Bernstorff donne lecture de la déclaration suivante :—

"Nous sommes autorisés à déclarer, au nom de l'Autriche et de la Prusse, que nous acceptons la proposition Danoise d'une prolongation de la suspension d'armes pour quinze jours, à condition toutefois qu'il sera bien entendu que le renouvellement des hostilités au 26 Juin ne pourra être évité que si jusque là une paix acceptable nous est assurée, ou bien si un armistice d'une durée étendue est conclu sous des modalités qui n'admettent point d'interprétation arbitraire."

M. de Quaade n'a aucune observation à faire sur la déclaration dont M. le Comte de Bernstorff vient de donner lecture. Il croit pouvoir assurer la Conférence que son Gouvernement désire aussi bien que les Cabinets Allemands le rétablissement de la paix, et que si cet objet paraissait assuré, le Cabinet de Copenhague serait prêt à consentir, soit à la prolongation de la suspension d'armes, soit à un armistice sous des conditions acceptables et précisées de manière à ne pas laisser des doutes sur l'interprétation à y donner. Les clauses de la suspension d'hostilités actuelle lui paraissent laisser beaucoup à désirer sur ce dernier point.

M. le Baron de Brunnow exprime la satisfaction qu'il éprouve en apprenant que la suspension d'armes est maintenant prolongée jusqu'au 26 Juin. Il faut espérer que dans cet intervalle de temps la Conférence parviendra à tomber d'accord sur une solution pacifique.

M. de Balan, en se référant à l'observation de M. de Quaade que l'interprétation des stipulations du 9 Mai a donné lieu à des doutes, ainsi qu'à sa propre observation faite à la fin de la dernière séance, que les Plénipotentiaires de la Prusse sont chargés de porter plainte à ce sujet dans la Conférence, donne, conformément aux ordres de son Gouvernement, lecture de la déclaration suivante :—

"En se prononçant pour une prolongation de la suspension des hostilités, le Gouvernement de Prusse a voulu donner une preuve de ses intentions conciliantes et de son amour de la paix. L'intérêt du commerce aurait exigé que cette prolongation fût aussi étendue que possible, et durât au moins deux mois.

"En consentant néanmoins, conformément au pressant désir exprimé par tous les Plénipotentiaires des Puissances neutres, à la prolongation de quinze jours seulement, proposée par MM. les Plénipotentiaires Danois, le Gouvernement de Prusse ne se cache pas les nombreux inconvénients que l'état actuel des choses, basé sur les termes de l'arrangement du 9 Mai, amène pour les armées alliées qui occupent le Jutland, inconvénients qui deviennent encore plus onéreux s'il s'agit d'une prolongation aussi limitée. Il ne croit toutefois pas devoir insister sur un changement des stipulations en question; mais plus il a, de son côté, scrupuleusement rempli ces stipulations dans toute l'étendue compatible avec une occupation militaire, plus il doit exiger que les difficultés inhérentes à la situation, et diminuées de son côté autant que possible par des procédés auxquels un jugement impartial finira par rendre justice, ne soient point augmentées de la part des autorités Danoises par des mesures et des interprétations contraires aux principes généralement reconnus pour l'état de guerre, momentanément interrompu par une suspension des hostilités, et aux stipulations spéciales du 9 Mai.

"Ni le commerce, ni les communications, ni la marche régulière de l'administration ne sont entravés dans le Jutland, et bien que les termes du 9 Mai admettent l'interprétation que ce n'est que la liberté des communications intérieures qui y a été assurée, cette liberté s'étend de fait à la communication entre le Jutland et les autres parties du Danemark, ainsi que le Schleswig, tandis que le Gouvernement Danois défend toute communication avec les Iles d'Alsen et d'Arroe, et les Iles Frisonnes.

"Aucune contribution n'a été levée depuis le 12 Mai, et si immédiatement après ce terme, et lorsque les stipulations du 9 Mai n'étaient point et ne pouvaient point être connues à tous les commandants des troupes, dans un pays où l'ennemi en se retirant avait détruit les télégraphes, des ordres contraires avaient été donnés, ils ont été immédiatement révoqués.

"Les saisies ont de même cessé, à dater du 12 Mai, et on s'est scrupuleusement abstenu de vendre quoi que ce soit des dépôts séquestrés.

"Un Commissaire civil Danois, nommé pour régler les détails du nouveau *modus vivendi* à établir, a été annoncé par le Commandant-en-chef des troupes Danoises au quartier-général des troupes alliées, alors établi à Horsens. Peu de jours après il y est arrivé dans la personne de M. Dahlström, qui n'a pas tardé à entrer en relations personnelles, d'abord avec le Lieutenant-Général Baron de Moltke, Chef de l'Etat-Major Général, plus tard avec le Colonel de Podbielski. Il est incompréhensible comment on a pu dire que le Commissaire Danois n'ait pu trouver avec qui négocier. Lorsque plus tard, par suite du changement dans la personne du Général-en-chef des armées alliées, le quartier-général

a été transféré de Horsens à Louiseulund dans le Schleswig, on a proposé à M. Dahlström de l'y suivre; sur son refus de s'y rendre, et comme il a également décliné d'entrer en rapports directs avec le Général commandant les troupes qui occupent le Jutland, les communications entre le quartier-général et M. Dahlström se font, conformément au désir de ce dernier, journellement par écrit. On n'a pas tardé à s'entendre sur plusieurs points essentiels. On est convenu particulièrement que tout ce qui serait directement fourni, soit en chevaux et voitures, soit pour les hôpitaux et magasins, d'après des taxes qui excluent l'arbitraire, serait payé par des quittances réalisées chaque semaine en argent comptant par des bureaux de comptabilité établis *ad hoc* à Horsens. M. Dahlström n'a pas tardé à publier cet arrangement en langue Danoise. Quant à la nourriture, les troupes la reçoivent en général par l'administration militaire, qui y pourvoit par l'intermédiaire de fournisseurs. Les localités nécessitées par ce mode sont louées et payées, quoiqu'on soit en droit de les demander gratis, comme le logement des troupes et les foyers nécessaires pour faire la cuisine. A ce sujet il n'y a pas le moindre doute, et toute autre interprétation serait entièrement incompatible avec les exigences d'une occupation militaire. Ce n'est que dans quelques endroits fort éloignés que la nourriture des troupes est directement fournie par les habitants. Mais ils en reçoivent des prix plus élevés que les taxes légales d'après lesquelles les troupes Fédérales Allemandes sont nourries sur le territoire de la Confédération.

"Une ligne de démarcation a été arrêtée de concert avec le Commandant-en-chef des troupes Danoises. La mer et le Lymfjord servent en général à former cette ligne. Mais quelques exceptions demandées par le Général Danois ont été volontairement accordées par les Commissaires des armées alliées, sans qu'ils aient cru devoir vérifier le prétendu *statu quo* du 12 sur lequel elles se fondent.

"Si de cette manière les autorités militaires Allemandes ont fait tout ce qui était en leur pouvoir pour remplir les stipulations du 9 Mai, elles ont dû catégoriquement défendre et réprimer toute infraction à ces mêmes stipulations de la part des autorités Danoises. Elles n'ont pu souffrir, et elles ne souffriront pas qu'une presse provoquante recommence ses agitations dirigées contre les Gouvernements Allemands. Elles n'ont pu admettre, et elles n'admettront jamais que des vivres destinés pour les armées alliées soient soumis à des impôts au profit du fisc Danois. Elles n'ont pu accorder au public et aux autorités Danoises l'usage du télégraphe que l'ennemi, avant de se retirer, avait détruit, et qu'elles avaient dû rétablir à leurs frais et avec de nouveaux fils. Elles ont toutefois, pour faire preuve de bon vouloir, permis que les autorités Danoises établissent pour leur usage de nouveaux fils aux télégraphes communs. Elles ne peuvent pas tolérer, et elles ne toléreront certainement pas que des recrues soient levées sous leurs yeux et acheminées hors du pays. Un pareil état de choses serait au plus haut degré contraire à la dignité d'une armée d'occupation et aux garanties qu'elle réclame. Toute tentative d'y porter atteinte a donc dû et devra être réprimée; et il est dans la nature de l'état de guerre que les mesures prises à cet effet ne puissent pas, afin d'être promptement efficaces, se borner aux procédures de la législation civile.

"Mais ce n'est pas seulement en voulant lever des recrues dans le Jutland que le Gouvernement Danois a agi contre l'esprit de la stipulation d'après laquelle les Puissances belligérantes s'interdisent de renforcer leurs positions militaires. Tandis que ni à Duppel ni à Friedéricia l'état des fortifications, tel qu'il était le 12 Mai, n'a été altéré depuis, sur l'Ile Alsen et en Fionie les positions militaires ont été renforcées par de nouvelles fortifications et par l'agrandissement de celles qui y existaient déjà. Cette infraction aux stipulations du 9 Mai a pu être observée des positions des troupes alliées par des télescopes, bien qu'on ait défendu, pour les cacher, toute communication avec les Iles susmentionnées.

"Un bâteau à vapeur Anglais a chargé à Nantes une forte cargaison de canons, de boulets, et d'autres projectiles, soi-disant en destination pour la Suède, mais débarquée à Copenhague pour le compte du Gouvernement Danois, qui a profité de l'inaction imposée à l'escadre Austro-Prussienne par la suspension des hostilités pour augmenter ses forces militaires.

"Mais de son côté le Gouvernement Danois semble ne pas avoir prescrit à ses bâtiments de s'abstenir de tout procédé contraire aux stipulations du 9 Mai. Car un croiseur douanier Danois a arrêté le 20 Mai un bâteau Schleswickois, chargé de houilles et venant de Newcastle, en destination pour Husum, à peu de distance de cette ville, qui, lorsque les hostilités furent suspendues, était incontestablement en possession des armées alliées. Il a mis les scellés sur le bâteau et sur sa cargaison, mais les autorités douanières de Husum ont naturellement refusé de les respecter.

"Les exemples précités suffisent pour démontrer que le Gouvernement de Prusse est en droit de se plaindre de la violation des stipulations du 9 Mai par les autorités Danoises. En consentant à ce que la suspension des hostilités soit prolongée, il entend donc que ces

stipulations soient mises à exécution de la part des autorités et des sujets Danois, en conformité avec les points de vue indiqués par la présente déclaration."

M. de Quaade, en se réservant de répondre à la déclaration faite par M. le second Plénipotentiaire de la Prusse, soutient que les clauses de la suspension d'armes ne lui semblent pas avoir été exécutées par les Puissances alliées dans le Jutland en des points essentiels. Il se réfère aux dispositions stipulant que ces Puissances n'entraveraient ni le commerce, ni les communications, ni la marche régulière de l'administration, et cite quelques exemples pour prouver qu'il n'a pas été donné suite à ces dispositions. En faisant observer qu'il a été défendu aux navires Danois d'entrer dans les ports de Slesvig sous pavillon Danois, il relève plus spécialement que des sujets Danois ont été arrêtés pour crime de lèse-majesté contre Sa Majesté le Roi de Prusse; et traduits devant les Conseils de Guerre Allemands, au lieu d'être amenés devant les tribunaux du pays.

M. le Comte de Bernstorff fait observer qu'il serait impossible pour une armée d'occupation de ne pas prendre connaissance des crimes qui se rapportent à leur position militaire.

Pour ce qui regarde le télégraphe, M. de Quaade soutient que le fil a été coupé, tant avant qu'après la suspension des hostilités, par les troupes Allemandes, lesquelles, si on peut ajouter foi à une information qui du reste ne repose pas sur des données authentiques, auraient même fait des fascines avec les fils télégraphiques. Il exprime son vif regret qu'il y ait tant de malentendus de part et d'autre sur la manière d'interpréter les clauses dont il s'agit, et rappelant que son Gouvernement n'a consenti à la prolongation de quinze jours qu'à condition qu'un accord s'établît sur ce point, il craint qu'il ne se trouve dans l'obligation de n'y plus consentir.

M. le Comte de Bernstorff dit que la déclaration que son collègue vient de lire a été provoquée par les accusations tout-à-fait sans fondement que le Gouvernement Danois a lancées contre les armées alliées; que cependant, s'il s'agit de malentendus, les Plénipotentiaires Prussiens seront toujours prêts à les éclaircir et à s'entendre à ce sujet avec MM. les Plénipotentiaires Danois.

M. de Krieger ne saurait admettre comme fondés les principes établis dans la déclaration de M. de Balan, et d'après lesquels, par exemple, les autorités alliées dans le Jutland se croient en droit d'exercer une censure de la Presse, de ne pas respecter l'administration de la justice, et de se dispenser de payer les impôts sur les importations. Mais même abstraction faite des principes, il y a toujours la question des procédés. Quant à ce dernier point, un employé de la douane, dont le premier devoir était de veiller à l'exécution des lois, a pour cela même été emprisonné, et mis au pain et à l'eau. D'autres fonctionnaires ont été également emprisonnés. M. de Krieger regarde ces faits comme étant de la plus haute gravité.

M. le Baron de Brunnow invite MM. les Plénipotentiaires des Puissances belligérantes à ne pas soulever des récriminations de part et d'autre, mais à faire au contraire leur possible pour les aplanir. Il regarde la prolongation de la suspension d'armes comme un fait acquis sur lequel on ne saurait plus revenir.

M. le Prince de la Tour d'Auvergne est d'avis que ni la déclaration de M. de Balan ni les observations de MM. les Plénipotentiaires du Danemark ne sont de nature à exclure une entente sur l'exécution de la suspension d'hostilités, et que ces Plénipotentiaires devraient en régler les détails entr'eux.

M. le Comte de Clarendon trouve cet avis parfaitement juste. Des difficultés du même genre existent toujours pendant l'occupation d'un pays étranger.

M. le Comte Wachtmeister croit que s'il faut discuter la question de juridiction, il serait mieux de tracer une ligne de séparation entre la justice militaire et l'administration de la justice ordinaire dans le pays.

M. le Prince de la Tour d'Auvergne constate qu'en général tout ce qui touche à l'honneur et à la sûreté d'une armée d'occupation est considéré comme étant de la compétence des tribunaux militaires. Sans cela, la position d'une armée occupant un pays étranger ne serait pas tolérable.

M. de Quaade soutient qu'un habitant du Jutland ne devrait pas être traduit devant les tribunaux de guerre pour des crimes dont les lois Danoises pourraient prendre connaissance.

M. le Comte de Bernstorff répond que l'armée alliée ne pourrait jamais confier sa sûreté à l'administration du pays qu'elle occupe.

M. le Prince de la Tour d'Auvergne rappelle que quel que soit l'esprit de conciliation que l'on apporte dans le réglement de questions aussi complexes et aussi délicates, il est impossible de se mettre d'accord sur tous les points, et qu'il faut s'attendre à ce que dans la pratique il y ait souvent des conflits de juridiction. Cela tient à la nature même des choses et des situations.

M. le Baron de Beust fait observer que la déclaration de M. de Balan a eu pour objet de répondre à des accusations formulées antérieurement par MM. les Plénipotentiaires Danois, et qu'elle ne change rien à la possibilité de vider la question entre les Plénipotentiaires des Puissances belligérantes.

M. le Comte de Clarendon s'associe à l'avis émis par M. le Baron de Beust. Il est convaincu que MM. les Plénipotentiaires Danois ne désirent pas recommencer la guerre le 12 Juin, à cause des détails qui pourraient être mieux réglés entre eux et MM. les Plénipotentaires Prussiens. Il propose qu'une Sous-Commission de la Conférence soit nommée pour s'entendre à ce sujet. Il serait difficile pour la Conférence de s'en occuper.

M. de Balan répète que les Plénipotentiaires de la Prusse continueront à prêter leurs bons offices pour l'aplanissement des difficultés de détail, mais que les vues sur les exigences et les conséquences de toute occupation militaire semblent être trop divergentes pour faire espérer une entente directe. Le concours d'un de MM. les Plénipotentiaires des Puissances neutres lui paraît désirable.

M. l'Ambassadeur de France s'étant déclaré prêt, sur l'invitation de la Conférence, à prêter le sien, il est convenu que M. le Prince de la Tour d'Auvergne, M. de Quaade, et M. de Balan tâcheront de régler, autant que possible hors de la Conférence, les difficultés de détail sur l'exécution de la suspension d'armes.

Sur la question de préciser la date à laquelle la reprise des hostilités aura lieu, à moins d'une prolongation ultérieure de leur suspension, il est entendu que la suspension expire le 26 Juin au matin.

MM. les Plénipotentiaires des Puissances belligérantes se déclarent dans l'intention de se servir du télégraphe pour annoncer la prolongation, dont la Conférence vient de convenir, aux Commandants-en-chef respectifs des armées de terre et de mer.

Passant à la discussion générale, M. le Comte Russell cite les paroles prononcées par M. le Baron de Brunnow dans la séance du 12 Mai, et rapportées dans le Protocole No. 4, où il est dit: "qu'avant d'abandonner un Traité qui a été ratifié par les Puissances signataires dans l'intérêt général de l'Europe, il faudrait donner des raisons jugées satisfaisantes d'un commun accord. Ces raisons devraient être bien graves. Le Traité de 1852 a eu pour objet de consolider la paix du Nord et de sauvegarder l'équilibre Européen. Il a été conclu non-seulement entre les Puissances actuellement en guerre, mais entre toutes les Puissances qui y ont participé. Leurs Représentants réunis aujourd'hui en Conférence sont libres assurément d'échanger leurs idées sur de nouvelles combinaisons à adopter, pourvu qu'elles soient de nature à offrir à la paix de l'Europe des garanties équivalentes à celles sur lesquelles repose aujourd'hui le système de l'équilibre général."

M. le Principal Secrétaire d'Etat trouve que dans les séances précédentes des renseignements suffisants sur les combinaisons proposées n'ont pas été fournis à la Conférence, et qu'il faudrait des raisons plus solides que celles qu'ont fait valoir MM. les Plénipotentiaires Allemands pour s'écarter du Traité de Londres. Il s'agit de savoir comment le Danemark existerait comme Puissance indépendante dans les conditions proposées.

M. le Comte de Bernstorff fait observer qu'il faudrait recommencer une discussion qu'il a cru terminée, et il rappelle que dans une séance précédente M. le Comte Russell a parlé de la frontière comme étant la seule question importante à régler, et non pas du maintien du Traité de Londres.

M. le Comte de Clarendon explique que M. le Comte Russell a voulu dire que pour abandonner ce Traité, il faut des raisons claires et suffisantes, et qu'il faut aussi pourvoir aux moyens de le remplacer efficacement. Le premier but des délibérations de la Conférence est l'indépendance du Danemark, et c'était seulement dans le cas de l'abandon du Traité de Londres que Lord Russell a dit que la question capitale devenait celle de la frontière. En cédant une partie du Slesvig et le Lauenbourg, le Danemark devrait avoir au moins l'avantage d'une frontière qui tienne compte de ses intérêts militaires et commerciaux.

Il semble à M. le Comte de Clarendon qu'il serait important de savoir comment la ligne proposée par MM. les Plénipotentiaires Allemands réunirait les garanties suffisantes, et d'après quelle base elle a été proposée.

M. le Comte Apponyi déclare que les Gouvernements de l'Autriche et de la Prusse sont parfaitement d'accord sur la ligne de frontière à proposer; et M. le Comte de Bernstorff ajoute que MM. les Plénipotentiaires Allemands ont consenti à restituer une partie du Schleswig comme compensation contre la cession du Lauenbourg par le Danemark. Quant à la ligne plus méridionale que celle d'Apenrade à Tondern, M. le Comte de Bernstorff rappelle que ce n'est pas celle de son Gouvernement, mais qu'il s'était seulement engagé à la recommander à Berlin.

M. le Comte Apponyi fait observer que les deux principes mis en avant par le Danemark et les Puissances neutres ont été l'indépendance, et la frontière militaire et commerciale du Danemark. Mais il y a un principe qui a une importance tout aussi grande

aux yeux de l'Allemagne, c'est celui de l'indépendance politique et administrative des Duchés. C'est là le motif pour lequel les Puissances Allemandes ont fait la guerre, et ce n'est que lorsque la combinaison proposée dans ce but par les Puissances alliées a été déclarée inadmissible par le Danemark qu'elles ont demandé la séparation des Duchés.

M. le Comte de Clarendon soutient que la guerre n'a pas eu, au commencement, pour objet la séparation des Duchés de la Monarchie Danoise.

M. le Comte Apponyi admet qu'en effet ce ne fut pas la séparation, mais l'indépendance des Duchés que les Puissances Allemandes ont eu pour but, et que leur intention première était de sauvegarder des droits qu'elles croyaient lesés, et de maintenir des engagements qui n'avaient pas été observés.

M. le Comte de Clarendon dit que ce fut donc pour émanciper une nationalité opprimée que la guerre a été faite par les deux Puissances Allemandes.

M. le Baron de Brunnow fait observer que si l'on remonte à l'origine de la guerre, il ne peut s'empêcher de rappeler que lorsque les armées alliées allaient entrer dans le Slesvig, les Puissances neutres ont été informées que l'intention des deux Puissances Allemandes n'était pas de détacher le Slesvig du Danemark, mais de posséder un gage matériel afin de contraindre le Gouvernement Danois à remplir les engagements qu'il avait contractés en 1851 et 1852, et qui n'avaient pas été mis à exécution. L'objet de la guerre n'a donc été ni d'enlever le Slesvig au Danemark, ni de séparer ce Duché en deux. Maintenant il s'agit de détacher les deux Duchés de la Monarchie Danoise. Il voudrait savoir pourquoi.

M. de Biegeleben répond que si les Puissances Allemandes demandent aujourd'hui que les deux Duchés soient détachés du Danemark, c'est parceque les seules conditions sous lesquelles elles auraient pu consentir au maintien du lien dynastique ont été trouvées inadmissibles. Ce qui aurait pu faire éviter la guerre ne suffit pas pour y mettre fin. Mais l'Autriche et la Prusse, après avoir eu recours au programme d'une séparation complète, ont prouvé de nouveau leur amour pour la paix, en proposant d'échanger une partie du Schleswig septentrional contre le Duché de Lauenbourg.

M. le Baron de Brunnow dit que pour sa part, loin de repousser la proposition de l'union personnelle, il aurait été prêt à l'appuyer. Les instructions de sa Cour l'y autorisaient. Mais cette union n'a pas été proposée d'une manière positive. Elle a été subordonnée au jugement que la Diète de Francfort porterait sur les titres que le Roi Chrétien IX aurait à faire valoir comme Duc de Holstein. Ce n'était pas là une combinaison certaine, mais purement conditionnelle. Elle dépendait de la décision future que rendrait la Diète. C'est là sans nul doute le motif qui n'a point permis aux Plénipotentiaires du Danemark d'accepter cette proposition. Le Baron de Brunnow termine par constater qu'elle n'a pas été repoussée par la Conférence.

M. le Comte de Clarendon soutient également que l'idée de l'union personnelle n'a pas été proposée directement à la Conférence, mais qu'elle se trouvait simplement impliquée dans le projet des deux grandes Puissances Allemandes. Il est vrai que le Danemark l'a trouvée inadmissible pour de bonnes et valides raisons, et il demande si MM. les Plénipotentiaires de l'Autriche et de la Prusse peuvent consciencieusement déclarer que l'union personnelle aurait établi un état de choses solide et durable. Il prend la liberté aussi de leur demander si, dans le cas où l'union personnelle eût été acceptée par le Danemark, ils n'avaient pas l'intention de proposer une marine, une armée, et un système de finances séparés pour les Duchés, ainsi qu'une indemnité pour les frais de la guerre; et il est convaincu que MM. les Plénipotentiaires Allemands seront les premiers à reconnaître que l'autorité du Roi de Danemark ne serait alors qu'un simulacre dans les Duchés, et que l'état des choses auquel on veut porter remède ne serait que prolongé et empiré.

M. de Biegeleben répond que la proposition d'une union personnelle a été faite avec une parfaite bonne foi, qu'il ne s'agit plus maintenant de la motiver, mais que par aucun moyen on ne pouvait espérer de mettre fin aux discordes dans la Monarchie Danoise d'un jour à l'autre, et qu'en inspirant de la confiance dans la droiture de ses intentions, le Gouvernement Danois aurait pu s'assurer un avenir convenable. Quant à la réserve d'une décision future sur la Succession, elle était une conséquence inévitable du principe que les droits acquis doivent être respectés.

M. le Comte de Bernstorff croyait cette discussion épuisée. Il craint que si elle doit être prolongée, il ne devienne impossible de s'entendre dans les quinze jours qui restent à la Conférence.

M. le Comte de Clarendon répète qu'avant d'abandonner le Traité de Londres, il faut trouver par quoi le remplacer.

M. de Krieger dit que même si une union personnelle et purement dynastique entre le Danemark, proprement dit, d'un côté, et les Duchés réunis de Slesvig et de Holstein de l'autre, avait été proposée, ce qui n'est pas le cas, les Plénipotentiaires Danois auraient dû

la repousser comme pernicieuse et comme ne laissant au Danemark qu'une fausse apparence de l'intégrité voulue par le Traité de Londres. Mais il doit faire observer expressément, qu'il ne s'est agi que d'une union personnelle éventuelle entre le Royaume de Danemark proprement dit, et les deux Duchés de Slesvig et de Holstein. S'il avait été question de l'union personnelle combinée avec le partage du Slesvig dans les limites du Traité de Londres, la question se serait présentée d'une autre manière.

M. de Biegeleben fait observer que cette déclaration confirme ce qu'il a dit sur la nécessité pour les Puissances Allemandes de demander la séparation.

M. le Baron de Brunnow répète que l'intention de son Gouvernement avait été d'appuyer la proposition d'une union personnelle d'après laquelle le Roi Chrétien IX aurait été maintenu dynastiquement dans les Duchés, avec le Slesvig attaché au Danemark, et le Holstein soumis à la Confédération Germanique et aux lois Fédérales. Le Traité aurait été ainsi maintenu, puisque les droits de la Confédération y sont expressément réservés. Ses instructions toutefois faisaient dépendre son appui du consentement préalable de Sa Majesté le Roi de Danemark.

M. le Baron de Beust ne comptait pas rentrer dans une discussion qu'il avait cru terminée; mais il lui paraît impossible de garder le silence, surtout après la question posée par M. le Comte de Clarendon quant à la base de la frontière proposée. Il s'exprime alors dans les termes suivants:—

"Je me suis abstenu d'intervenir dans la discussion qui avait lieu dans l'avant-dernière séance sur la question des frontières, ne me trouvant pas autorisé à me prononcer pour telle ou telle ligne. Les instructions que j'ai reçues depuis de la Diète, après lui avoir rendu compte de la séance du 28 Mai, approuvent les déclarations faites alors par moi de concert avec MM. les Plénipotentiaires d'Autriche et de Prusse, et conséquemment c'est sur elles que j'ai à me régler. Ces déclarations se trouvent consignées dans le Protocole. M. le Comte de Bernstorff, parlant au nom des Plénipotentiaires Allemands, a fait entrevoir qu'on serait disposé à céder une partie du territoire septentrional du Slesvig et de considérer l'abandon du Duché de Lauenbourg comme un équivalent; il a dit en même temps que la ligne de démarcation proposée par le Gouvernement de Sa Majesté Britannique ne saurait remplir le but d'une paix solide et durable, puisque le principal sujet de plainte et d'agitation pour la plus grande partie des populations du Slesvig continuerait non seulement de subsister, mais serait même infiniment aggravé par leur séparation d'avec le reste des Duchés et leur incorporation dans le Royaume de Danemark.

"Dans ma pensée les termes de cette manifestation indiquent clairement qu'on n'entend pas consentir à l'abandon de telle partie du territoire Slesvicois dont la population dans sa majorité se refuserait à l'accepter.

"Je suis heureux de constater que la Confédération, en se plaçant à ce point de vue, est dans le cas de se prévaloir de la manière dont il a plu aux Puissances neutres d'envisager la question. MM. les Plénipotentiaires de la Grande Bretagne entendent que la destinée future du Duché de Holstein, du Duché de Lauenbourg, et de la partie méridionale du Slesvig, ne serait pas réglée sans leur consentement. M. le Plénipotentiaire de France a déclaré maintenir le point de vue de son Gouvernement, d'après lequel aucun état de choses nouveau ne saurait être établi dans les territoires détachés de la Monarchie Danoise sans le concours et le consentement des populations loyalement consultées. M. le Plénipotentiaire de Suède enfin a déclaré que son Gouvernement entend que le sort futur des provinces qui seraient cédées par le Roi de Danemark ne soit point réglé sans leur consentement.

"Il me paraît impossible d'admettre que les Puissances neutres entendent établir un principe avec l'intention d'en exclure une application logique et impartiale. Il m'est impossible de leur supposer la pensée qu'il faut consulter des populations qui doivent appartenir à l'Allemagne pour savoir si cet avenir leur convient, mais que cette précaution est inutile avec celles qui doivent y rester étrangères. Il m'est impossible enfin de ne pas rappeler que je considère le Slesvig comme ayant cessé de faire partie de la Monarchie Danoise, et que dans cet ordre d'idées ce n'est pas d'elle mais à son profit qu'il s'agit de détacher une partie du Slesvig, du consentement de son Souverain, qui ne se refusera pas à tenir compte du vœu des populations."

M. le Baron de Brunnow tient à établir que quoique M. le Baron de Beust considère le Slesvig comme ayant cessé de faire partie de la Monarchie Danoise, les Puissances neutres regardent la question d'un point de vue diamétralement opposé. Quant à la proposition de MM. les Plénipotentiaires de la Grande Bretagne, énoncée dans la séance du 28 Mai, ils voulaient parler seulement de la partie méridionale du Slesvig, et non du Duché en entier.

M. le Baron de Beust réclame le droit d'émettre ses opinions, sans avoir la prétention de les imposer aux autres Plénipotentiaires. De son côté il n'a pas pu partager l'opinion de M. le Plénipotentiaire de Russie, qui regarde le Slesvig comme partie intégrante de la

Monarchie Danoise. Quant au deuxième point, il veut seulement remarquer qu'il lui est impossible d'admettre une application inégale du principe établi; et que si les populations dans la partie méridionale du Slesvig doivent être consultées au sujet de leur destinée future, il devrait en être de même avec les populations dans la partie septentrionale de ce Duché.

M. le Baron de Brunnow soutient qu'à aucune époque la Confédération Germanique n'a étendu son pouvoir au delà de ses frontières. Le Holstein seul, et non pas le Slesvig, est représenté dans la Diète. A l'appui de cette vérité il cite l'Acte Constitutif de la Confédération Germanique conclu à Vienne en 1815, et il rappelle que cet Acte a été signé pour le Roi de Danemark par deux Comtes de Bernstorff. Cet acte établit clairement que le Danemark est représenté à la Diète uniquement pour le Holstein, et nullement pour le Slesvig.

M. le Comte de Bernstorff répond que jamais personne n'a prétendu que le Danemark fût représenté à la Diète pour le Schleswig.

M. le Comte de Clarendon demande à M. le Baron de Beust depuis quelle époque le Slesvig a cessé, selon lui, de faire partie de la Monarchie Danoise. Est-ce par suite de la mort du feu Roi, ou par le droit de conquête?

M. le Baron de Beust ayant répondu que c'est par suite de la mort du feu Roi, M. le Comte de Clarendon fait observer que dans ce cas M. le Plénipotentiaire de la Confédération Germanique se trouve en contradiction avec les Puissances alliées, puisque celles-ci ont envahi le Slesvig et l'ont occupé comme une garantie provisoire.

M. le Baron de Beust admet que l'observation de M. le Baron de Brunnow est exacte pour ce qui concerne l'Acte Fédéral, mais il soutient que le Schleswig intéresse également la Confédération. Quant au Traité de Londres il n'existe pas pour la Confédération, qui ne l'a jamais reconnu. La question de la Succession en Danemark se présente sous une autre face que celle dans les Duchés, c'est-à-dire, que l'ordre de Succession est agnatique dans ces derniers et cognatique dans le royaume. La question pour la Confédération était d'abord de savoir quel est le Souverain légitime du Holstein; mais le Duc de Holstein se trouvant appelé à succéder également dans le Schleswig par suite du même ordre agnatique, il est du devoir du Plénipotentiaire de la Confédération de veiller à la manière dont on disposera du Schleswig, et de faire connaître les opinions qui prévalent dans la Diète. Les deux grandes Puissances Allemandes peuvent avoir adopté une marche différente, mais on s'est de plus en plus rapproché, et aujourd'hui l'accord entre la Confédération et les Puissances Allemandes est des plus solides.

M. le Baron de Brunnow se référant à une observation faite par M. le Baron de Beust, demande comment la mort de feu le Roi de Danemark, Frédéric VII, a pu donner à l'Allemagne des droits qu'elle n'avait pas avant son decès? La mort de ce Souverain ne pouvait devenir pour l'Allemagne ni un motif de conquête ni un droit de Succession.

M. le Baron de Beust explique que l'Allemagne ne veut pas étendre arbitrairement ses limites, mais seulement protéger les droits d'un Membre de la Confédération sur un autre pays. Il s'est agi de protéger les droits du Duc de Holstein.

M. le Baron de Brunnow s'oppose à cette théorie. La question des frontières de la Confédération est réglée par les Actes du Congrès de Vienne. Cette question n'appartient pas à l'Allemagne seule, elle appartient à l'Europe. La Confédération ne peut pas étendre son territoire sans l'adhésion des autres Puissances.

M. de Balan relève que cette question s'écarte de celle de la Succession, et rappelle que M. le Baron de Beust a dit que la question de l'entrée du Schleswig dans la Confédération était réservée.

M. le Comte de Clarendon rappelle que quoique M. le Baron de Beust ne reconnaisse pas l'existence du Traité de Londres, ce Traité a reçu l'adhésion des principaux Membres de la Confédération.

M. le Baron de Beust répète que pour la Confédération il lui est impossible d'admettre aucune obligation résultant du Traité. Il croit devoir rappeler qu'il a été invité à la Conférence pour en suivre les délibérations, et parceque, d'après ce qu'il suppose, l'on désire le concours de la Confédération, qui n'est pas une Puissance belligérante, et dont il ne dépend pas par conséquent de poser les conditions de la paix, mais dont le consentement n'en sera pas moins indispensable.

M. le Comte Russell croit devoir faire observer de nouveau que jusqu'au 31 Janvier dernier l'Autriche et la Prusse ont reconnu le principe de l'intégrité du Danemark.

M. le Comte de Bernstorff fait itérativement observer que c'est rentrer dans une discussion qui a été vidée dans les séances précédentes, et que, si cette discussion doit recommencer, il n'y a pas d'espoir d'arriver à une entente pendant les quinze jours qui restent.

M. de Biegeleben croit ne pas devoir s'expliquer sur les questions soulevées entre M. le Baron de Beust et MM. les Plénipotentiaires de la Grande Bretagne et de la

Russie. Il le juge d'autant moins nécessaire que le Plénipotentiaire de la Confédération, dans la déclaration qu'il vient de lire, ne s'est énoncé qu'en son nom personnel. Il ne peut se dispenser de faire cette dernière observation aussi par rapport au mode de constater le consentement des Duchés aux conditions de la paix. Jusqu'à présent la Diète Germanique n'a pris aucune résolution ni émis aucun avis à ce sujet.

M. le Comte Wachtmeister dit que si, ainsi qu'il l'a compris, M. le Baron de Beust considère la mort du feu Roi comme donnant au Duc de Holstein les mêmes droits de Succession agnatique dans le Slesvig que dans le Holstein, il doit constater que selon son point de vue, le Slesvig doit au contraire suivre le même ordre de Succession que le Danemark proprement dit, auquel le Duché de Slesvig a été incorporé, pour tout ce qui concerne le droit de Succession, par les Actes de 1720.

M. de Krieger croit pouvoir s'abstenir d'une discussion sur la position politique du Duché de Slesvig, cette position étant décidée par le droit public Européen. Il tient toutefois à relever par rapport à une expression dont M. le Baron de Beust s'est servi à plusieurs reprises, "que le Slesvig intéressait l'Allemagne," qu'il faut nécessairement distinguer entre intérêt et droit. En ce qui concerne l'observation faite par M. le Baron de Beust, que le Traité de Londres n'existe pas pour la Confédération Germanique, il rappelle que cette Confédération est composée de Souverains indépendants. Ces Souverains devraient être liés à Francfort par ce qu'ils ont résolu ailleurs.

M. le Baron de Beust répond que l'intérêt que l'Allemagne porte au Slesvig est inspiré par un sentiment de droit très légitime. Quant à la question de la Succession, sur le point auquel M. le Comte Wachtmeister a fait allusion, il est prêt à la discuter, mais il craint d'occuper trop longtemps la Conférence.

M. de Quaade tient encore à faire une observation sur un point relatif au consentement des populations. En se référant à sa déclaration du 2 Juin, il rappelle que le Roi Chrétien IX n'a consenti à une cession territoriale éventuelle qu'à la condition expresse de rester Souverain indépendant des territoires qui ne seront pas cédés.

M. le Baron de Beust maintient son point de vue.

Revenant sur la question de la frontière, et se référant aux différentes lignes qui avaient été proposées, M. le Comte Russell dit qu'il doit y avoir possibilité de faire un arrangement, en sauvegardant les intérêts de l'Europe et l'indépendance politique du Danemark.

M. de Balan demande pourquoi la ligne d'Apenrade ne serait pas reconnue suffisante pour ce but.

M. le Comte de Clarendon tient à savoir quelles peuvent être les raisons qui ont décidé à mettre en avant cette ligne. La ligne proposée par MM. les Plénipotentiaires Anglais a été choisie comme une bonne ligne commerciale et militaire. Il tient aussi à constater que cette ligne n'a été proposée que de concours avec MM. les Plénipotentiaires des Puissances neutres, qui l'ont appuyée dans la Conférence.

M. le Comte de Bernstorff ne voit pas que la ligne Anglaise réunisse ces avantages. Cette ligne n'a, selon lui, aucune base, car elle n'est ni une bonne ligne militaire, puisque les évènements de la guerre ont suffisamment prouvé qu'elle ne peut être maintenue contre une grande armée, ni une ligne nationale, puisqu'elle ne sépare nullement les nationalités et laisserait même la plus grande partie des districts purement Allemands sous la domination Danoise.

Répondant à la question de M. le Comte de Clarendon, M. le Comte de Bernstorff dit que le premier objet de la ligne proposée par les Puissances Allemandes avait été d'échanger le Duché de Lauenbourg contre une portion du Schleswig Septentrional; que plus tard lorsque de la part des Puissances neutres on avait fait valoir qu'il fallait une bonne ligne militaire au Danemark, et que celle d'Apenrade ne satisfaisait pas à ce besoin, les Plénipotentiaires Prussiens s'étaient déclarés prêts à recommander à leur Gouvernement une ligne plus méridionale, à savoir, celle qui laisserait au Danemark la position d'Alsen et de Düppel, et lui donnerait ainsi avec l'autre position de Fionie et de Friedéricia, une ligne de défense beaucoup plus forte, comme la dernière guerre l'avait prouvé, que celle de la Schley et du Dannewerke: qu'en outre cette ligne réunissait le grand avantage de partager les deux nationalités mieux que toute autre ligne, puisque c'était celle qui avait séparé depuis la réformation, et jusqu'en 1848, l'usage des langues Allemande et Danoise dans l'église et l'école. M. le Comte de Bernstorff croit que ces raisons pour suggérer la ligne en question sont de fort bonnes raisons. Il fait cependant itérativement remarquer qu'il n'a pu que promettre de la recommander à son Gouvernement, et qu'il n'est point encore autorisé à la proposer, puisque de l'autre côté on n'a rien fait jusqu'ici pour venir à la rencontre des propositions Allemandes.

M. le Comte Russell fait observer que cette ligne n'a pas été acceptée par l'Autriche.

M. le Comte Apponyi répond que d'après ses instructions il est autorisé à l'accepter.

Dans l'avis de M. de Biegeleben la ligne de Flensbourg à Tondern est aussi une bonne ligne commerciale.

MM. les Plénipotentiaires du Danemark maintiennent que la nationalité de la partie mixte du Slesvig est essentiellement Danoise.

M. le Comte de Bernstorff insiste sur la nécessité de consulter les populations mêmes pour prouver le véritable état des choses.

Par suite d'une demande faite par M. le Comte Russell, M. de Quaade rappelle que son Gouvernement s'est déclaré prêt à faire de grands sacrifices pour arriver au rétablissement de la paix, mais qu'il y a des limites qu'il ne saurait dépasser. Afin d'aller aussi loin que possible dans la voie des concessions, le Gouvernement Danois pourrait adopter la proposition Anglaise du 28 Mai dans sa totalité; il pourrait donc plus spécialement adopter la frontière proposée par M. le Comte Russell, c'est-à-dire, une ligne de démarcation partant de l'embouchure de la Slei et allant le long du Dannewirke jusqu'à la ville de Friedrichstadt.

M. de Krieger présente des observations contre la ligne indiquée par MM. les Ambassadeurs de l'Autriche et de la Prusse, laquelle ligne ne laisserait au Danemark que la partie la plus septentrionale du Slesvig. Il relève que Sa Majesté le Roi de Danemark ne consentira pas à ce que le Lauenbourg soit regardé comme compensation de la partie purement Danoise du Slesvig.

M. le Comte de Bernstorff dit qu'il avait bien raison de dire dans la dernière séance qu'on était plus loin de s'entendre qu'on ne le supposait.

M. le Baron de Brunnow engage de nouveau MM. les Plénipotentiaires des Puissances belligérantes à tâcher de se rapprocher du but qu'ils ont à cœur d'atteindre et non pas de s'en éloigner.

M. le Comte Russell ayant déclaré que la ligne tracée de l'embouchure de la Slei, et suivant la ligne du Dannewirke jusqu'à Friedrichstadt, lui paraît remplir les conditions que la Conférence a en vue, M. le Comte de Bernstorff soutient que la ligne de Flensbourg à Tondern les remplit encore davantage.

La discussion est renvoyée au Samedi, 18 Juin, à 1 heure, afin qu'en attendant MM. les Plénipotentiaires des Puissances neutres puissent employer leurs efforts à amener un rapprochement entre les parties belligérantes.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE WACHTMEISTER.

(Translation.)

Protocol No. 9.—Sitting of June 9, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiaries of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Baron de Brunnow, referring to the last observation made by Count de Bernstorff, and reported in Protocol No. 8, says that he differs from the interpretation which the Ambassador of Prussia gives to the terms in which the Plenipotentiaries of Denmark have

announced the intention of their Government to prolong for a fortnight the suspension of arms established until the 12th of June.

The Plenipotentiary of Russia thinks that it would not be rendering justice to the wisdom of the determinations of the Cabinet of Copenhagen to attribute to it the intention of *infallibly* recommencing the war after the expiration of that term.

In his opinion access should never be closed to pacific suggestions. It is not right to say that war is irrevocably decided, so long as the Representatives of the Great Powers of Europe are met in Conference with the object of devoting all their efforts to the restoration of peace.

For his part, the Plenipotentiary of Russia has full confidence in the sentiments of conciliation with which all the Cabinets have shown themselves to be animated. He hopes that this confidence will be justified by the pacific result of the labours of the Conference of London.

Count de Bernstorff replies that in consenting to bring the proposal of the Danish Government to the knowledge of his Government, he specified it in the same terms which are inserted in the Protocol, and that the first Plenipotentiary of Denmark admitted that that was the sense of his proposal.

M. de Quaade admits that he recognizes the general sense of the proposal of the Danish Government in the declaration made in the sitting of the 6th of June by the first Plenipotentiary of Prussia, but adds that he did not make use of the word "infallibly."

At Earl Russell's request, Count de Bernstorff reads the following declaration:—

"We are authorized to declare, in the name of Austria and Prussia, that we accept the Danish proposal for a prolongation of the suspension of arms for a fortnight, on condition, however, that it shall be thoroughly understood that the renewal of hostilities on the 26th of June is inevitable unless by that time an acceptable peace is assured to us, or unless an armistice of prolonged duration is concluded on conditions which do not admit of arbitrary interpretation."

M. de Quaade has no observation to make on the declaration which Count de Bernstorff has just read. He thinks he may assure the Conference that his Government desire the restoration of peace as earnestly as the German Cabinets, and that if that object seemed to be secured, the Cabinet of Copenhagen would be ready to consent either to a prolongation of the suspension of arms, or to an armistice on acceptable conditions, specified in such a manner as to leave no doubt as to their interpretation. The terms of the present suspension of hostilities seem to him to leave much to be desired with regard to this latter point.

Baron de Brunnow expresses the satisfaction which he feels at hearing that the suspension of arms is now prolonged to the 26th of June. It is to be hoped that in this interval the Conference will succeed in coming to an understanding as to a peaceful solution.

M. de Balan, referring to M. de Quaade's observation that the interpretation of the stipulations of the 9th of May has given rise to doubts, as well as to his own observation made at the conclusion of the last sitting, that the Plenipotentiaries of Prussia are instructed to make complaints on this subject in the Conference, reads the following declaration in conformity with the orders of his Government:—

"In pronouncing themselves in favour of a prolongation of the suspension of hostilities, the Government of Prussia have meant to give a proof of their conciliatory intentions and of their love of peace. The interests of commerce would have required that this prolongation should be as extended as possible, and should last at least two months.

"While consenting, nevertheless, in conformity with the urgent desire expressed by all the Plenipotentiaries of the neutral Powers, to the prolongation of a fortnight only, proposed by the Danish Plenipotentiaries, the Government of Prussia do not conceal from themselves the numerous inconveniences which the present state of things, based on the terms of the arrangement of the 9th of May, entail on the allied armies in occupation of Jutland—inconveniences which become still more serious in the case of so limited a prolongation. They do not think it right, however, to insist on any alteration in the stipulations in question; but the more they have, on their side, scrupulously fulfilled those stipulations to the full extent compatible with a military occupation, the more entitled are they to require that the difficulties inherent to the situation, and diminished as far as possible on their side by proceedings to which an impartial judgment will finally do justice, should not be augmented on the part of the Danish authorities by measures and interpretations contrary to the generally recognized principles of the state of war, interrupted for the moment by a suspension of hostilities, and to the special stipulations of the 9th of May.

"Neither the commerce, nor the communications, nor the regular course of the administration have been impeded in Jutland, and although the terms of the 9th of May

allow of the interpretation that it is only the liberty of internal communication which has thereby been secured, this liberty has been, in fact, extended to the communication between Jutland and the other parts of Denmark, as well as Schleswig, while the Danish Government forbid all communication with the Islands of Alsen and Aeroe and the Frisian Islands.

"No contribution has been levied since the 12th of May, and if immediately after that date, and when the stipulations of the 9th of May were not and could not be known to all the Commanders of the troops, in a country where the enemy on retreating had destroyed the telegraphs, contrary orders had been given, they have been immediately revoked.

"The seizures of property have also ceased from the 12th of May, and the authorities have scrupulously abstained from selling any part of the sequestrated property.

"The appointment of a Danish Civil Commissioner, to settle the details of the new *modus vivendi* to be established, was announced by the Commander-in-chief of the Danish troops to the head-quarters of the allied troops, then established at Horsens. He arrived shortly afterwards in the person of M. Dahlström, who lost no time in entering into personal relations, at first with Lieutenant-General Baron de Moltke, Chief of the General Staff, subsequently with Colonel de Podbielski. It is incomprehensible how it can have been said that the Danish Commissioner could find no one with whom to negotiate. When subsequently, in consequence of the change in the person of the Commander-in-chief of the allied armies, the head-quarters were transferred from Horsens to Louisenlund, in Schleswig, it was proposed to M. Dahlström to follow them thither. On his refusal to go there, and as he has also declined to enter into direct relations with the General commanding the troops which occupy Jutland, the communications between head-quarters and M. Dahlström take place, in conformity with the desire of the latter, daily in writing. An arrangement has been quickly come to on several essential points. It has particularly been agreed that everything that may be directly furnished, either in horses and carriages, or for the hospitals and magazines, according to a tariff which prevents any arbitrary valuation, shall be paid for in receipts which are realized every week in ready money by liquidating offices established *ad hoc* at Horsens. M. Dahlström has lost no time in publishing this arrangement in the Danish language. As to provisions the troops generally receive them from the military administration, which obtains them by means of contractors. The warehouses rendered necessary by this plan are hired and paid for, although they might by right be demanded gratis, as well as the lodging of the troops and the fires necessary for cooking. On this subject there is not the slightest doubt, and any other interpretation would be entirely incompatible with the requirements of a military occupation. It is only in some very distant places that the provisions for the troops are furnished directly by the inhabitants. But they receive higher prices for them than the legal tariff, according to which the German Federal troops are maintained in the territory of the Confederation.

"A line of demarcation has been decided on in concert with the Commander-in-chief of the Danish troops. The sea and the Lymfjord serve in general to form this line. But some exceptions demanded by the Danish General have been voluntarily granted by the Commissioners of the allied armies, without their having thought it necessary to verify the pretended *statu quo* of the 12th, on which they are based.

"If in this manner the German military authorities have done all in their power to fulfil the stipulations of the 9th of May, they have been compelled categorically to forbid and repress any infraction of these same stipulations on the part of the Danish authorities. They could not, and they will not suffer an inflammatory Press to recommence its attacks directed against the German Governments. They could not, and they never can allow that the provisions intended for the allied armies should be subjected to duties for the profit of the Danish Treasury. They have been unable to grant to the public and to the Danish authorities the use of the telegraph which the enemy before retreating had destroyed, and which they have had to restore at their own expense, and with fresh wires. They have, however, as a proof of their good will, allowed the Danish authorities to put up fresh wires for their own use on the common telegraphs. They have not, and they certainly will not tolerate recruits being levied under their eyes and sent out of the country. Such a state of things would be in the highest degree contrary to the dignity of an army of occupation, and to the guarantees which it claims. Any attempt to attack it has therefore been and will be repressed; and it is in the nature of a state of war that the measures taken for this purpose, in order to be promptly efficacious, cannot be confined to the procedure of civil legislature.

"But it is not only in attempting to raise recruits in Jutland that the Danish Government have acted in opposition to the spirit of the stipulation according to which the belligerent Powers engage not to reinforce their military positions. Whilst neither at

Duppel nor at Fredericia has the state of the fortifications, such as it was on the 12th of May, been altered since; on the Island of Alsen and in Funen the military positions have been strengthened by fresh fortifications, and by the enlargement of those which already existed there. It has been possible to observe this infraction of the stipulations of the 9th of May from the positions of the allied troops by means of telescopes, although, in order to conceal them, all communication with the above-mentioned islands has been forbidden.

"An English steamer took on board at Nantes a large cargo of cannon, bullets, and other projectiles which were said to be destined for Sweden, but were disembarked at Copenhagen for the account of the Danish Government, who have profited by the inaction imposed on the Austro-Prussian squadron by the suspension of hostilities to increase their military strength.

"But on their side the Danish Government do not seem to have ordered their vessels to abstain from all proceedings contrary to the stipulations of the 9th of May, for a Danish revenue cruizer stopped on the 20th of May a Schleswig boat, laden with coals and coming from Newcastle, steering for Husum, at a small distance from that town, which, when hostilities were suspended, was indisputably in the possession of the allied armies. They placed seals on the boat and its cargo, but the Customs authorities at Husum naturally refused to respect them.

"The above-mentioned examples are sufficient to show that the Prussian Government have a right to complain of the violation of the stipulations of the 9th of May by the Danish authorities. While consenting, therefore, to the prolongation of the suspension of hostilities, they expect that those stipulations shall be executed on the part of the Danish authorities and subjects, in conformity with the views indicated in the present declaration."

M. de Quaade, while reserving the right of replying to the declaration made by the second Plenipotentiary of Prussia, maintains that the terms of the suspension of arms do not appear to him to have been executed by the allied Powers in Jutland in several essential points. He refers to the provisions which stipulate that those Powers should not obstruct the commerce, or the communications, or the regular course of the administration, and cites several examples to prove that these provisions have not been carried out. While observing that Danish ships have been forbidden to enter the ports of Sleswig under the Danish flag, he calls attention more especially to the fact that Danish subjects have been arrested for the crime of treason against His Majesty the King of Prussia, and have been arraigned before German courts-martial, instead of being brought before the tribunals of the country.

Count de Bernstorff observes that it would be impossible for an army of occupation not to take cognizance of the crimes which relate to their military position.

As regards the telegraph, M. de Quaade maintains that the wire was cut before as well as after the suspension of hostilities by the German troops, who, if credit is to be attached to information which, however, is not founded on authenticated reports, have even made fascines with the telegraphic wires. He expresses his deep regret that there should be so much misunderstanding on either side as to the manner of interpreting the terms in question; and alluding to the fact that his Government only consented to the prolongation of a fortnight on condition that an agreement should be come to on this point, he fears that he may find himself compelled no longer to consent to it.

Count de Bernstorff says that the declaration which his colleague has just read has been called forth by the entirely unfounded charges which the Danish Government have made against the allied armies; that notwithstanding, as regards misunderstandings, the Prussian Plenipotentiaries will always be ready to explain them, and to come to an understanding on this subject with the Danish Plenipotentiaries.

M. de Krieger cannot admit as well-founded the principles laid down in M. de Balan's declaration, and according to which, for example, the allied authorities in Jutland claim the right of exercising a censure of the Press, of not respecting the administration of justice, and of dispensing with the payment of import duties. But even leaving principles out of the question, the question of acts remains. As to this latter point, a Customs officer, whose first duty was to see that the laws were executed, has for that very cause been imprisoned and put upon bread and water. Other functionaries have also been imprisoned. M. de Krieger regards these facts as being of the most serious nature.

Baron de Brunnow begs the Plenipotentiaries of the belligerent Powers not to make recriminations on either side, but, on the contrary, to do their best to mitigate them. He regards the prolongation of the suspension of arms as a completed act which cannot be undone.

The Prince de la Tour d'Auvergne is of opinion that neither the declaration of

M. de Balan nor the observations of the Plenipotentiaries of Denmark are of a nature to exclude an understanding as to the execution of the suspension of hostilities, and that those Plenipotentiaries should settle the details between themselves.

The Earl of Clarendon considers this idea as perfectly correct. Difficulties of the same kind always exist during the occupation of a foreign country.

Count Wachtmeister thinks that if the question of jurisdiction is to be discussed, it would be better to trace a line of separation between military justice and the administration of ordinary justice in the country.

The Prince de la Tour d'Auvergne states that in general all that relates to the honour and security of an army of occupation is considered as being within the competence of the military tribunals. Unless this was the case, the position of an army occupying a foreign country would be intolerable.

M. de Quaade maintains that an inhabitant of Jutland ought not to be brought before the military tribunals for crimes of which the Danish laws can take cognizance.

Count de Bernstorff replies that the allied army could never entrust its security to the administration of the country which it occupies.

The Prince de la Tour d'Auvergne remarks that whatever may be the spirit of conciliation in which such complicated and delicate questions may be discussed, it is impossible to come to an agreement on every point, and that it must be expected that in practice there should frequently be disputes of jurisdiction. This is the result of the very nature of things and situations.

Baron de Beust observes that M. de Balan's declaration was made with the object of replying to the accusations previously brought forward by the Danish Plenipotentiaries, and that it in no way alters the possibility of settling the question between the Plenipotentiaries of the belligerent Powers.

The Earl of Clarendon agrees in the opinion expressed by Baron de Beust. He is convinced that the Danish Plenipotentiaries do not desire to recommence the war on the 12th of June on account of details which can be better arranged between them and the Prussian Plenipotentiaries. He proposes that a sub-Commission of the Conference should be appointed to discuss this subject. It would be difficult for the Conference to take it into consideration.

M. de Balan repeats that the Plenipotentiaries of Prussia will continue to afford their good offices for the arrangement of difficulties of detail, but that there seems to be too much divergence between the views as to the requirements and consequences of any military occupation to admit of any expectation of a direct understanding. The assistance of one of the Plenipotentiaries of the neutral Powers seems to him to be desirable.

The Ambassador of France, having, at the request of the Conference, declared himself ready to afford his assistance, it is agreed that the Prince de la Tour d'Auvergne, M. de Quaade and M. de Balan shall attempt to settle, as far as possible out of the Conference, the difficulties of detail with regard to the execution of the suspension of arms.

With reference to the question of specifying the date at which the resumption of hostilities shall take place, unless a further prolongation of the suspension is agreed on, it is settled that the suspension expires on the morning of the 26th of June.

The Plenipotentiaries of the belligerent Powers declare their intention of making use of the telegraph to announce the prolongation on which the Conference has just agreed, to the respective Commanders-in-chief of the forces by land and sea.

Passing to the general discussion, Earl Russell quotes the words pronounced by Baron de Brunnow in the sitting of the 12th of May, and reported in Protocol No. 4, where it is said, "that before abandoning a Treaty which has been ratified by the Powers who signed it in the general interests of Europe, it would be necessary to bring forward reasons which should be generally agreed upon as satisfactory. These reasons must be very grave ones. The Treaty of 1852 was concluded with the object of consolidating the peace of the North and preserving the balance of power in Europe. It was concluded not only between the Powers actually at war, but also between all the Powers who were parties to it. Their Representatives, now met in Conference, are assuredly at liberty to exchange their ideas as to new combinations to be adopted, provided that they are of a nature to offer guarantees for the peace of Europe equivalent to those on which the system of the balance of power now rests."

The Principal Secretary of State is of opinion that in the preceding sittings sufficient information has not been furnished to the Conference as to the combinations proposed, and that more solid reasons than those put forward by the German Plenipotentiaries are required to justify a departure from the Treaty of London. It is necessary to know how Denmark could exist as an independent Power under the conditions proposed.

Count de Bernstorff observes that it would be necessary to recommence a discussion

which he thought was finished; and he remarks that in a previous sitting Earl Russell spoke of the frontier as the only important question to be settled, and not of the maintenance of the Treaty of London.

The Earl of Clarendon explains that Earl Russell means that to justify the abandonment of that Treaty clear and sufficient reasons are necessary, and that it is also necessary to provide means for replacing it efficaciously. The first object of the deliberations of the Conference is the independence of Denmark, and it was only in case of the abandonment of the Treaty of London that Earl Russell said that the principal question was that of the frontier. In ceding a part of Sleswig and the whole of Lauenburg, Denmark ought at least to have the advantage of a frontier which should provide for her military and commercial interests.

It appears to the Earl of Clarendon that it would be important to know how the line proposed by the German Plenipotentiaries would afford the necessary guarantees, and on what basis it has been proposed.

Count Apponyi declares that the Governments of Austria and Prussia are perfectly agreed on the line of frontier to be proposed; and Count de Bernstorff adds that the German Plenipotentiaries have consented to restore a part of Schleswig as compensation for the cession of Lauenburg by Denmark. As to the line more to the south than that of Apenrade and Tondern, Count de Bernstorff remarks, that it is not that of his Government, but that he only engaged to recommend it at Berlin.

Count Apponyi observes that the two principles put forward by Denmark and the neutral Powers are the independence and the military and commercial frontier of Denmark. But there is a principle which is of quite as great importance in the eyes of Germany, which is that of the political and administrative independence of the Duchies. This is the motive for which the German Powers made war, and it was only when the combination proposed for this purpose by the allied Powers was declared inadmissible by Denmark that they demanded the separation of the Duchies.

The Earl of Clarendon maintains that the object of the war at its commencement was not the separation of the Duchies from the Danish Monarchy.

Count Apponyi admits that in fact it was not the separation, but the independence, of the Duchies which the German Powers had in view, and that their first intention was to preserve rights which they thought were attacked, and to maintain engagements which had not been observed.

The Earl of Clarendon says that it was then to emancipate an oppressed nationality that war was made by the two German Powers.

Baron de Brunnow observes that if reference is made to the origin of the war, he cannot help recalling the fact that when the allied armies were about to enter Sleswig, the neutral Powers were informed that the intention of the two German Powers was not to detach Sleswig from Denmark, but to take possession of a material guarantee in order to compel the Danish Government to perform the engagements which they had contracted in 1851 and 1852, and which had not been executed. The object of the war was, therefore, neither to separate Sleswig from Denmark, nor to divide that Duchy in two. It is now proposed to detach the two Duchies from the Danish Monarchy. He would wish to know why.

M. de Biegeleben replies that if the German Powers now demand that the two Duchies should be detached from Denmark, it is because the only conditions on which they could have consented to the maintenance of the dynastic union have been considered inadmissible. What might have prevented the war is not sufficient to put an end to it. But Austria and Prussia, after having had recourse to the programme of a complete separation, have given a fresh proof of their love of peace, by proposing to exchange part of Northern Schleswig for the Duchy of Lauenburg.

Baron de Brunnow says that, for his part, far from rejecting the proposal of the personal union, he would have been ready to support it. The instructions of his Court authorized him to do so. But that union was not proposed in a positive manner. It was made subordinate to the judgment which the Diet of Frankfort might pass on the claims which King Christian IX would have to assert as Duke of Holstein. That was not a certain, but a purely conditional combination. It depended on the future decision which the Diet might take. This was no doubt the reason which prevented the Danish Plenipotentiaries from accepting that proposal. Baron de Brunnow concludes by stating that it has not been rejected by the Conference.

The Earl of Clarendon also maintains that the idea of the personal union was not proposed directly to the Conference, but that it was only implied in the plan of the two great German Powers. It is true that Denmark considered it inadmissible for good and valid reasons, and he inquires if the Plenipotentiaries of Austria and Prussia can conscientiously

declare that the personal union would have established a solid and durable state of things. He takes the liberty also of asking them whether, in case the personal union had been accepted by Denmark, they did not intend to propose a separate navy, army, and system of finances for the Duchies, as well as an indemnity for the expenses of the war; and he is convinced that the German Plenipotentiaries will be the first to recognize that the authority of the King of Denmark would then be only a shadow in the Duchies, and that the state of things which it is desired to remedy would only be prolonged and rendered worse.

M. de Biegeleben replies that the proposal of a personal union was made with perfect good faith; that there is no longer any reason to give motives for it, but that no one could hope by any means to put an end in a day to the discords in the Danish Monarchy, and that by inspiring confidence in the rectitude of their intentions the Danish Government might have secured to themselves a favourable prospect for the future. As to the reservation of a future decision respecting the Succession, it was an inevitable consequence of the principle that acquired rights were to be respected.

Count de Bernstorff thought that this discussion was exhausted. He fears that if it is to be prolonged, it will become impossible to come to an understanding in the fortnight which remains for the Conference.

The Earl of Clarendon repeats that before abandoning the Treaty of London, it is necessary to discover what is to take its place.

M. de Krieger says that, even if a personal and purely dynastic union between Denmark, properly so called, on the one hand, and the united Duchies of Sleswig and Holstein, on the other, had been proposed, which was not the case, the Danish Plenipotentiaries must have rejected it as pernicious, and as leaving to Denmark only a false appearance of the integrity intended by the Treaty of London. But he must expressly observe that the proposal was only that of an eventual personal union between the Kingdom of Denmark, properly so called, and the two Duchies of Sleswig and Holstein. If the personal union combined with the division of Sleswig within the limits of the Treaty of London had been proposed, the question would have presented itself in a different manner.

M. de Biegeleben observes that this declaration confirms what he said as to the necessity for the German Powers of demanding the separation.

Baron de Brunnow repeats that it was the intention of his Government to support the proposal of a personal union, by which King Christian IX would have been maintained dynastically in the Duchies, with Sleswig attached to Denmark, and Holstein subjected to the Germanic Confederation and to the Federal laws. The Treaty would thus have been maintained, since the rights of the Confederation are therein expressly reserved. His instructions, however, made his support dependent on the previous consent of His Majesty the King of Denmark.

Baron de Beust did not expect to return to a discussion which he had supposed to be concluded; but it appears to him to be impossible to remain silent, especially after the question proposed by the Earl of Clarendon as to the basis of the proposed frontier. He then expresses himself in the following terms:—

"I abstained from taking part in the discussion which took place in the last sitting but one on the question of the frontiers, as I was not authorized to pronounce in favour of any particular line. The instructions which I have since received from the Diet, after having reported on the sitting of the 28th of May, approve the declarations made on that occasion by me, in concert with the Plenipotentiaries of Austria and Prussia, and consequently it is by them that I have to be guided. Those declarations are recorded in the Protocol. Count de Bernstorff, speaking in the name of the German Plenipotentiaries, gave it to be understood that they would be disposed to cede part of the northern territory of Sleswig, and to consider the surrender of the Duchy of Lauenburg as an equivalent; he said at the same time that the line of demarcation proposed by Her Britannic Majesty's Government would not fulfil the object of a solid and durable peace, since the principal subject of complaint and discontent on the part of the greater portion of the population of Sleswig would not only continue to exist, but would even be infinitely aggravated by their separation from the rest of the Duchies, and their incorporation in the Kingdom of Denmark.

"In my opinion the terms of this declaration clearly show that there was no intention of surrendering any such part of the territory of Sleswig, the population of which should refuse by a majority to accept of such surrender.

"I am happy to be able to state that the Confederation, in taking this view, is able to take advantage of the manner in which the neutral Powers have been pleased to regard the question. The Plenipotentiaries of Great Britain understand that the future destiny of the Duchy of Holstein, of the Duchy of Lauenburg, and of the southern part of Sleswig,

shall not be settled without their consent. The Plenipotentiary of France has declared that he maintains the views of his Government, according to which no new state of things can be established in the territories detached from the Danish Monarchy without the concurrence and consent of the population, loyally consulted. Finally, the Plenipotentiary of Sweden has declared that his Government expect that the future fate of the provinces which shall be ceded by the King of Denmark shall not be settled without their consent.

"It seems to me to be impossible to admit that the neutral Powers mean to establish a principle, with the intention of excluding its logical and impartial application. It is impossible for me to suppose that they consider it necessary to consult the populations which are to belong to Germany, in order to ascertain if this prospect is agreeable to them, but that this precaution is useless as regards those which are to remain foreign to it. Finally, it is impossible for me not to remark that I consider Sleswig as having ceased to form part of the Danish Monarchy, and that in conformity with this view it is not from that Monarchy, but to its advantage, that it is proposed to detach part of Sleswig, with the consent of its Sovereign, who will not refuse to give due consideration to the wishes of the population."

Baron de Brunnow is desirous of affirming that although Baron de Beust considers Sleswig as having ceased to form part of the Danish Monarchy, the neutral Powers take a diametrically opposite view of the question. As to the proposal of the Plenipotentiaries of Great Britain, put forward in the sitting of the 28th of May, they merely meant to speak of the southern part of Sleswig, and not of the whole Duchy.

Baron de Beust claims the right of expressing his opinions, without having the pretension of imposing them on the other Plenipotentiaries. On his part he has been unable to agree in the opinion of the Plenipotentiary of Russia, who regards Sleswig as an integral part of the Danish Monarchy. As to the second point, he will only remark that it is impossible for him to admit an unequal application of the principle established, and that if the population in the southern part of Sleswig are to be consulted on the subject of their future destiny, the same should be the case with the population in the northern part of that Duchy.

Baron de Brunnow maintains that at no period has the Germanic Confederation extended its power beyond its frontiers. Holstein only, and not Sleswig, is represented in the Diet. In support of this fact he cites the Constitutive Act of the Germanic Confederation concluded at Vienna in 1815, and he recalls the fact that that Act was signed for the King of Denmark by two Counts de Bernstorff. That Act clearly establishes that Denmark is represented at the Diet solely for Holstein, and not for Sleswig.

Count de Bernstorff replies that no one has ever pretended that Denmark was represented at the Diet for Sleswig.

The Earl of Clarendon inquires of Baron de Beust when Sleswig ceased, in his opinion, to form part of the Danish Monarchy. Was it in consequence of the death of the late King, or by the right of conquest?

Baron de Beust having replied that it was in consequence of the death of the late King, the Earl of Clarendon observes that in that case the Plenipotentiary of the Germanic Confederation is in contradiction with the allied Powers, since the latter have invaded Sleswig and occupied it as a provisional guarantee.

Baron de Beust admits that Baron de Brunnow's observation is correct as far as concerns the Federal Act, but he maintains that the Confederation is also interested in Sleswig. As to the Treaty of London, it does not exist for the Confederation, which has never recognized it. The question of Succession in Denmark presents itself in a different manner from that in the Duchies, that is to say, that the order of Succession is agnatic in the latter, and cognate in the Kingdom. The question for the Confederation at first, was, to ascertain who was the legitimate Sovereign of Holstein; but as the Duke of Holstein is also called upon to succeed in Sleswig in consequence of the same agnatic Succession, it is the duty of the Plenipotentiary of the Confederation to watch over the manner in which Sleswig shall be disposed of, and to make known the opinions which prevail in the Diet. The two Great German Powers may have adopted a different course, but their views have assimilated more and more, and the understanding between the Confederation and the German Powers is now perfectly solid.

Baron de Brunnow referring to an observation made by Baron de Beust, asks how the death of the late King of Denmark, Frederick VII, can have given to Germany rights which she did not possess before his decease? The death of that Sovereign could become neither a motive of conquest nor a right of Succession for Germany.

Baron de Beust explains that Germany does not wish arbitrarily to extend her limits, but only to protect the rights of a Member of the Confederation over another country. It has been a case of protecting the rights of the Duke of Holstein.

Baron de Brunnow opposes this theory. The question of the frontiers of the Confe-

deration is settled by the Acts of the Congress of Vienna. This question does not concern Germany alone, it concerns Europe. The Confederation cannot extend its territory without the adhesion of the other Powers.

M. de Balan observes that this question digresses from that of the Succession, and remarks that Baron de Beust has said that the question of the admission of Schleswig into the Confederation was reserved.

The Earl of Clarendon remarks, that although Baron de Beust does not recognize the existence of the Treaty of London, that Treaty has been adhered to by the principal Members of the Confederation.

Baron de Beust repeats that it is impossible for him to admit any obligation for the Confederation resulting from the Treaty. He thinks it right to recall the fact that he has been invited to the Conference to follow its deliberations, and because, as he supposes, it is desired to have the concurrence of the Confederation, which is not a belligerent Power, and on whom consequently it does not depend to propose conditions of peace, but whose consent will not be the less indispensable.

Earl Russell thinks it right again to observe that up to the 31st of January last, Austria and Prussia recognized the principle of the integrity of Denmark.

Count de Bernstorff reiterates his observation that they are returning to a discussion which has been exhausted in the preceding sittings, and that if this discussion is to recommence there is no longer any hope of coming to an understanding in the fortnight which remains.

M. de Biegeleben does not think it necessary to enter into explanations on the questions which have arisen between Baron de Beust and the Plenipotentiaries of Great Britain and Russia. He considers it the less necessary as the Plenipotentiary of the Confederation, in the declaration which he has just read, has only expressed himself in his personal character. He cannot help making this latter observation also with regard to the manner of ascertaining the assent of the Duchies to the conditions of peace. Up to the present time, the Germanic Diet has taken no resolution and expressed no opinion on this subject.

Count Wachtmeister says, that if, as he understands him, Baron de Beust considers that the death of the late King gives to the Duke of Holstein the same rights of agnatic Succession in Sleswig as in Holstein, he must state that, in his opinion, Sleswig ought on the contrary to follow the same order of Succession as Denmark Proper, with which the Duchy of Sleswig has been incorporated, as far as concerns the law of Succession, by the Acts of 1720.

M. de Krieger thinks he may abstain from a discussion of the political position of the Duchy of Sleswig, that position being determined by the public law of Europe. He desires however to remark with regard to an expression which Baron de Beust has used several times "that Germany was interested in Sleswig," that it is necessary to distinguish between interest and right. As concerns the observation made by Baron de Beust, that the Treaty of London does not exist for the Germanic Confederation, he observes that that Confederation is composed of independent Sovereigns. Those Sovereigns ought to be bound at Frankfort by what they have resolved elsewhere.

Baron de Beust replies, that the interest which Germany takes in Sleswig is inspired by a perfect legitimate feeling of right. As to the question of Succession, on the point to which Count Wachtmeister has alluded, he is ready to discuss it; but he is afraid of occupying the Conference for too long a time.

M. de Quaade is desirous of making a further observation on a point relative to the consent of the populations. Referring to his declaration of the 2nd of June, he remarks that King Christian IX has only consented to an eventual territorial cession on the express condition that he should remain the independent Sovereign of the territories which should not be ceded.

Baron de Beust maintains his view.

Returning to the question of the frontier and referring to the different lines which had been proposed, Earl Russell says, that it ought to be possible to come to an arrangement, while protecting the interests of Europe and the political independence of Denmark.

M. de Balan inquires why the line of Apenrade should not be recognized as sufficient for that purpose.

The Earl of Clarendon is desirous of knowing what can be the reasons which have induced the proposal of this line. The line proposed by the English Plenipotentiaries was chosen as a good commercial and military line. He begs also to state that that line was not proposed without the concurrence of the Plenipotentiaries of the neutral Powers, who have supported it in the Conference.

Count de Bernstorff does not see that the English line unites these advantages. That line has, in his opinion, no basis: for it is neither a good military line, since the events of the war have sufficiently proved that it cannot be held against a large army; nor a national line, since it does not divide the nationalities, and would even leave the greater part of the purely German districts under the Danish rule.

Replying to the Earl of Clarendon's question, Count de Bernstorff says that the first object of the line proposed by the German Powers was to exchange the Duchy of Lauenburg for a portion of Northern Schleswig; that subsequently, when it was represented on the part of the neutral Powers that a good military line was requisite for Denmark, and that that of Apenrade did not satisfy this requirement, the Prussian Plenipotentiaries declared themselves ready to recommend to their Government a line more to the south, namely, that which would leave to Denmark the position of Alsen and Duppel, and would thus give her, with the other position of Funen and Fredericia, a line of defence much stronger, as the late war had proved it to be, than that of the Schley and of the Dannewirke; that, moreover, this line possessed the great advantage of dividing the two nationalities better than any other line, since it was that which had since the Reformation and till 1848, separated the use of the German and Danish languages in church and school. Count de Bernstorff considers these reasons for suggesting the line in question as very good reasons. He, however, reiterates his remark that he could only promise to recommend it to his Government, and that he is not yet authorized to propose it, since nothing has as yet been done on the opposite side to respond to the German proposals.

Earl Russell observes that this line has not been accepted by Austria.

Count Apponyi replies that according to his instructions he is authorized to accept it.

In M. de Biegeleben's opinion the line from Flensburg to Tondern is also a good commercial line.

The Plenipotentiaries of Denmark maintain that the nationality of the mixed districts of Sleswig is essentially Danish.

Count de Bernstorff insists on the necessity of consulting the population themselves to ascertain the true state of things.

In consequence of an inquiry made by Earl Russell, M. de Quaade remarks that his Government have declared themselves ready to make great sacrifices to attain the restoration of peace, but that there are limits beyond which they cannot go. In order to go as far as possible in the path of concession the Danish Government might adopt the English proposal of the 28th of May in its totality; they might therefore more especially adopt the frontier proposed by Earl Russell, that is to say, a line of demarcation starting from the mouth of the Slei and following the Dannewirke to the town of Friedrichstadt.

M. de Krieger offers some observations against the line proposed by the Ambassadors of Austria and Prussia, which line would only leave to Denmark the most northern part of Sleswig. He observes that His Majesty the King of Denmark would not consent to Lauenburg being regarded as a compensation for the purely Danish part of Sleswig.

Count de Bernstorff says that he had good reason to say in the last sitting that they were farther from an understanding than was supposed.

Baron de Brunnow again begs the Plenipotentiaries of the belligerent Powers to endeavour to draw nearer to the object which they have in view, instead of going further from it.

Earl Russell having declared that the line traced from the mouth of the Slei and following the line of the Dannewirke to Friedrichstadt seems to him to satisfy the conditions which the Conference has in view, Count de Bernstorff maintains that the line from Flensburg to Tondern satisfies them still better.

The discussion is adjourned to Saturday, the 18th of June, at 1 o'clock, in order that in the meantime the Plenipotentiaries of the neutral Powers may use their efforts to bring about an understanding between the belligerent parties.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 10.—*Séance du* 18 *Juin*, 1864.

Présents:

MM. les Plénipotentiaires de l'Autriche;
MM. les Plénipotentiaires du Danemark;
M. le Plénipotentiaire de France;
M. le Plénipotentiaire de la Confédération Germanique;
MM. les Plénipotentiaires de la Grande Bretagne;
MM. les Plénipotentiaires de la Prusse;
M. le Plénipotentiaire de Russie; et
M. le Plénipotentiaire de Suède et Norvège

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte de Bernstorff prend la parole et dit:—

"J'ai à faire la déclaration suivante au nom des Plénipotentiaires Prussiens:

"'Nous avons déjà itérativement fait remarquer que la Conférence, pour avoir les informations dont elle a besoin, devait être éclairée sur les vœux des populations du pays dont l'avenir fait l'objet de ses délibérations. Guidés par cette conviction, et d'ordre de notre Gouvernement, nous demandons que les habitants du Schleswig soient consultés au sujet des dispositions à adopter à leur égard, et qu'il ne soit pas décidé du sort d'une partie ou de la totalité de ces populations, sans que préalablement leurs vœux aient été loyalement constatés. Nous sommes autorisés à discuter le mode de l'exécution et l'étendue de l'application à donner au principe dont nous proposons l'adoption.'"

Sur la demande de M. le Comte Russell si les Plénipotentiaires de l'Autriche adhèrent à cette déclaration, M. le Comte Apponyi s'est exprimé en ces termes:—

"Les Plénipotentiaires Autrichiens se joignent à la déclaration qui vient d'être lue par MM. les Plénipotentiaires Prussiens, en tant que selon l'opinion du Gouvernement Impérial le but de l'œuvre de la paix ne pourra être complètement atteint que moyennant le consentement des Duchés, exprimé par l'organe de leur Souverain et de leurs Représentants légalement constitués.

"Ils doivent cependant faire observer qu'à leur avis la q[redacted] d'une partie du Schleswig intéresse presqu'autant le Holstein que le[redacted] pas de nature à être décidée par le vœu des populations cons[redacted] paroisses. Sous ce rapport ils ne peuvent que se référer aux [redacted] précédemment à ce sujet."

M. de Quaade se réfère à la déclaration qu'il a faite da[redacted] nom du Gouvernement Danois. Il rappelle que le Roi de Dan[redacted] cession territoriale éventuelle qu'à condition d'obtenir par là u[redacted] et parfaitement autonome pour ce qui lui resterait de ses Etats, et[redacted] question de consulter les populations des territoires qui doivent [redacted] mark. Ce n'est que dans la partie qui serait cédée que l'on de[redacted] vœux des populations.

M. de Krieger trouve également cette proposition inaccept[redacted] dans des circonstances tout-à-fait extraordinaires on ait recours aux[redacted] de la consultation d'une nation; mais ces circonstances extraordin[redacted] pas, et il n'existe pas proprement une nationalité Slesvicoise. Une [redacted] celle qui vient d'être faite, renferme une *petitio principii*; il faudrait d'abord [redacted] prouvé qu'une partie des populations soumises au Roi de Danemark devait être détachée des autres populations. Pourquoi ne consulter que les sujets Slesvicois du Roi de Danemark? Pourquoi ne pas aussi consulter tous les autres sujets de Sa Majesté? Cette proposition ne pose donc pas le principe des nationalités, mais plutôt le principe d'une autonomie provinciale toute extraordinaire: elle applique singulièrement aux exigences qu'on veut fonder sur une guerre un procédé auquel en général on n'a recours que dans les révolutions.

M. le Comte de Bernstorff dit que le but de la Conférence doit être de tomber d'accord sur une ligne de frontière, et que pour cela il serait nécessaire de connaître les vœux des populations intéressées dans la question.

M. le Baron de Brunnow s'exprime ainsi:—

"Je regrette de me trouver dans l'obligation de déclarer que je diffère entièrement de l'opinion énoncée par MM. les Plénipotentiaires de la Prusse. Le sentiment de regret que j'éprouve est d'autant plus vif qu'il m'est pénible d'être en désaccord avec les Représentants d'une Puissance unie à la Russie par les liens d'une amitié intime. Mais si je dois de justes égards aux propositions d'une Puissance amie, j'ai des devoirs à remplir envers la Cour que j'ai l'honneur de représenter. Je dois, avant tout, maintenir les

principes qui servent de règle à la politique de l'Empereur. Je m'éloignerais de ces principes si j'admettais l'appel que MM. les Plénipotentiaires de la Prusse proposent de faire aux populations du Slesvig. Dans quel but veut-on les consulter? Il s'agit de les interroger pour savoir s'ils veulent rester fidèles à leur Souverain? Et sous quelles circonstances cette consultation aura-t-elle lieu? Elle se fera tandis que le pays est placé sous le régime d'une occupation militaire?"

M. le Plénipotentiaire de Russie a rappelé ici les évènements qui ont amené cette occupation. Les Cours d'Autriche et de Prusse ont déclaré qu'en prenant possession du Duché de Slesvig, elles considéraient ce pays comme un gage matériel, entre leurs mains, afin d'obliger le Danemark à remplir ses engagements envers l'Allemagne. Aujourd'hui, après avoir militairement occupé ce Duché, la Prusse, loin de restituer ce gage à son Souverain, propose d'en appeler aux habitants afin qu'ils décident à qui ils veulent appartenir. C'est aux paysans de Slesvig qu'on s'adresse pour qu'ils tracent la frontière d'une contrée qui forme en ce moment l'objet des délibérations de la Conférence de Londres? Est-ce là le but dans lequel les Représentants des grandes Puissances ont été appelés à se réunir à Londres? Le Plénipotentiaire de Russie est loin de l'admettre. Dans son opinion, les Puissances alliées ont reconnu la nécessité de se concerter avec les autres Puissances signataires du Traité de 1852 sur les arrangements qu'il conviendrait de substituer à cette transaction, après une entente établie d'un commun accord. Aujourd'hui, au lieu d'arriver à cette entente par les efforts, par les conseils réunis, des Représentants des Grandes Puissances de l'Europe, voudrait-on consulter les populations du Slesvig, pour subordonner à leur avis les actes de la Conférence! Le Plénipotentiaire de Russie, pour sa part, ne saurait donner son assentiment à cette proposition.

M. le Comte de Bernstorff ne voit pas pourquoi M. le Baron de Brunnow a parlé exclusivement des paysans; il y a d'autres habitants dans le Duché de Schleswig: et il n'est pas même dit que les habitants doivent décider, mais que la Conférence devrait être éclairée sur les vœux des populations du pays dont l'avenir fait l'objet de ses délibérations. Quant à la question de l'occupation militaire pendant la consultation, elle n'a pas encore été discutée.

M. le Baron de Brunnow dit que la proposition de consulter les sujets du Roi de Danemark [redacted] posséder serait une combinaison nouvelle de fait et un principe [redacted] regrette de l'entendre émettre par M. le Plénipotentiaire de Sa [redacted]

[redacted] storff répond qu'il n'est pas question dans la proposition de [redacted] mark, mais seulement d'éclairer la Conférence sur la meilleure [redacted] er.

[redacted] e de nouveau qu'une cession territoriale n'a été admise que [redacted] Gouvernement, qui s'est réservé le droit de revenir au Traité [redacted]

[redacted] n, M. le Comte de Bernstorff donne lecture de la déclaration qui [redacted]

[redacted] ernière séance de la Conférence, la question de la position des deux [redacted] l'égard du Traité de Londres de 1852, que nous avions cru vidée [redacted] ns réitérées qui ont rempli les premières séances, nommément celle [redacted] été discutée, nous nous voyons obligés, pour dissiper tous les [redacted] encore subsister à cet égard, de faire la déclaration suivante, qui est [redacted] forme aux instructions précises que nous avons reçues de la part de notre [redacted] Gouvernement à ce sujet.

"Jusqu'à la mort du Roi Frédéric VII les Puissances Allemandes pouvaient espérer que la Couronne de Danemark remplirait les obligations contractées envers elles, et que par-là, et par la présentation, omise jusque-là, d'un projet de loi sur la Succession au Trône aux Etats des Duchés, l'ordre de Succession prévu par le Traité de Londres acquerrait complètement force de loi, avant que le cas prévu de la vacance du Trône arrivât.

"La mort du Roi non-seulement fit évanouir ces espérances, mais son successeur au Trône Danois manifesta immédiatement, par l'Acte du 18 Novembre, son intention de ne pas remplir ces obligations.

"Immédiatement après, le Gouvernement Prussien a insisté sur la connexité de ces obligations avec l'ordre de Succession projeté, entre autres dans sa dépêche à l'Ambassadeur du Roi à Londres en date du 23 Novembre, et a déclaré à plusieurs reprises que, d'après cela, il devait se croire en droit de ne plus considérer le Traité de 1852 comme obligatoire.

"Il ajoutait que s'il ne proclamait pas immédiatement sa renonciation au Traité, il ne le faisait que par égard pour les autres Puissances, et dans l'espoir que le Danemark, en

revenant sur la rupture ouverte de ses obligations, pourrait rétablir les conditions préliminaires de cet arrangement, et offrir la possibilité du maintien de la paix.

"Même lorsque cet espoir fut déçu, lorsqu'au 1er Janvier la Constitution contraire aux stipulations internationales non seulement n'eut pas été retirée pour le Schleswig, mais eut été mise en vigueur, les deux Puissances Allemandes n'ont pas encore voulu faire un usage immédiat de leur droit. Au moment encore où le Danemark les avait obligées à prendre des mesures guerrières, elles ont déclaré, par la dépêche du 31 Janvier, qu'elles n'avaient pas l'intention de mettre en question le principe de l'intégrité de la Monarchie Danoise. Mais en même temps elles ont déclaré expressément qu'une persistance ultérieure du Danemark dans la voie où il était entré, les obligerait à faire des sacrifices qui pourraient leur imposer le devoir de renoncer aux combinaisons de 1852 et de chercher à s'entendre avec les Puissances signataires du Traité de Londres sur un ordre de choses différent. Le cas est complètement arrivé.

"Le Gouvernement Danois a poussé jusqu'à la dernière extrémité la persistance dans son refus, et a continué la résistance armée jusqu'au dernier moment.

"Après tous ces événements, le Gouvernement du Roi ne peut plus d'aucune façon se croire lié par les obligations qu'il avait contractées le 8 Mai, 1852, sous d'autres pré-suppositions. Le Traité a été conclu par lui avec le Danemark et non avec d'autres Puissances, et ce n'est qu'entre Copenhague et Berlin que les ratifications ont été échangées, et non entre Berlin et Londres ou St. Pétersbourg, &c. Si même, ce que notre Gouvernement n'accorde pas, le Traité de Londres eût été destiné à créer des obligations entre la Prusse et les Puissances neutres, ces obligations seraient caduques avec le Traité même, du moment que celui-ci le deviendrait par le non-accomplissement de ses conditions préliminaires.

"En conséquence, et conformément à sa déclaration du 31 Janvier, le Gouvernement du Roi se considère comme entièrement libre de toutes obligations qui pourraient être déduites du Traité de Londres de 1852, et en droit de discuter toute autre combinaison d'une façon complètement indépendante de ce Traité.

"Il est dans la nature des rapports politiques que le Gouvernement du Roi essaie de trouver, en commun avec les autres Grandes Puissances, la solution d'une question, dont il n'a jamais méconnu la portée Européenne, et il n'a que reconnaître ces rapports naturels par le dernier passage de la déclaration [illegible]. En acceptant l'invitation du Gouvernement Anglais à la Conférence, il a [illegible] par le fait qu'il est prêt à rechercher et à discuter en commun les moyen[illegible]

M. le Comte de Clarendon fait observer que le Gouv[illegible] cherche à introduire dans le droit des gens des changements très [illegible] elle ves, et voulant établir comme principe que parceque les ratifica[illegible] cts ou par échangées qu'avec une seule Puissance par chacune des a[illegible] ont faites celles-ci seraient déliées à leur gré de leurs obligations r[illegible] doctrine également nouvelle et dangereuse, contre laquell[illegible] Juin au protester.

Il rappelle le Traité réglant la fermeture du Bospho[illegible] enti à une étrangers, dont les ratifications n'ont été échangées qu'avec la[illegible] ndépendante été regardé comme obligatoire sur toutes les Puissances co-sig[illegible] été nullement fois," dit-il, "qu'il est de la compétence de chaque Puissance, sous [illegible] chés au Dane-conque et à sa convenance, de rompre les engagements solennels d'[illegible] nir compte des international de l'Europe serait bouleversé: il n'aurait ni force ni auto[illegible] taires.

Il comprend que aux observations de M. le Baron de Brunnow en ce qui concern[illegible] la p dés exceptionnels de M. le Comte de Bernstorff, dont le but est de faire détrôn[illegible] le s ne se présentent C'est là le véritable résultat qu'on veut obtenir en demandant [illegible] roposition comme veulent rester, ou non, sous son autorité. C'est encore là un prin[illegible] qu'il eût été dangereux, qu'il a entendu avec une pénible surprise.

M. le Comte de Bernstorff dit qu'il n'a parlé spécialement ni de bourgeois ni de paysans. Il désire surtout que ce soient les Etats du pays qui aient à se prononcer, et il ne comprend pas la surprise de Lord Clarendon. Il cite la cession des Iles Ioniennes, et la consultation des vœux de leurs habitants à cet égard, comme l'exemple le plus récent, donné par l'Angleterre elle-même, de l'application de ce principe, qui n'est nullement aussi dangereux que le principe proclamé dans des pièces officielles émanées du Cabinet Britannique, d'après lequel chaque peuple qui ne serait pas content de son Gouvernement aurait le droit de le renvoyer et de s'en donner un autre. Le principe qu'il propose n'est pas non plus nouveau, puisqu'il a été appliqué dans les derniers temps presque à tous les pays qui ont changé de Maître. Il cite entre autres Naples, la Toscane, la Savoie et Nice.

M. le Comte de Clarendon répond que l'Angleterre n'était pas Souveraine des Iles

Ioniennes, mais qu'elle en avait accepté le Protectorat dans un interêt Européen. Elle s'était déclarée prête à abandonner ce Protectorat avec l'assentiment des autres Puissances, si c'était le vœu général des populations.

M. le Comte de Bernstorff répond à une observation de M. le Comte de Clarendon, que le Traité de Londres n'est point un Traité garantissant la Monarchie Danoise, qu'au contraire il a été expressément constaté lors de sa conclusion qu'il ne donnait aucune garantie, ce qui est admis par Lord Clarendon.

M. le Baron de Brunnow rappelle que les Iles Ioniennes formaient un Etat indépendant, et qu'il ne s'agissait nullement de les détacher de leur Souverain. La question qu'il fallait résoudre se réduisait à savoir si le Gouvernement des Iles Ioniennes désirait rester sous le Protectorat Anglais en conservant son indépendance, ou bien s'il préférait y renoncer pour se réunir au Royaume Hellénique. C'est dans ce but que le Gouvernement de Sa Majesté Britannique a consulté les vœux du Parlement Ionien. Cette détermination a été prise de concert avec les Représentants réunis en Conférence à Londres. M. l'Ambassadeur de Prusse ne saurait l'avoir oublié, parcequ'il a pris part lui-même aux délibérations de cette Conférence. Il devrait se persuader ainsi que l'exemple des Iles Ioniennes, auquel il se réfère, ne s'applique en rien à sa proposition actuelle de consulter les habitants du Slesvig, qu'ils soient paysans ou bourgeois.

Quant au Traité de Londres, M. le Baron de Brunnow s'associe en entier aux observations faites par M. le Comte de Clarendon.

M. le Comte de Bernstorff demande à citer un autre exemple que M. l'Ambassadeur de Russie admettra peut-être, puisque le Gouvernement de Russie y a lui-même concouru, c'est celui de la Grèce, où une révolution a eu lieu, et où un nouveau Souverain a été établi en vertu d'un plébiscite. Il ne comprend pas l'application d'un principe dans un cas, et sa répudiation dans l'autre.

M. le Baron de Brunnow répond que la Grèce n'a pas été occupée par la Russie comme le Slesvig est occupé par les troupes Prussiennes; que la Grèce n'a pas été considérée non plus comme un gage matériel; enfin que le Gouvernement Impérial a concouru à reconnaît[illegible] un Souverain élevé au Trône par l'Assemblée Nationale de la Grèce, mais qu'il [illegible] consulté les habitants de la Grèce pour le déposséder.

M. le Comte [illegible]ff répète qu'il n'est pas question de déposséder un Souverain, mais d'éclairer [illegible] sur des faits. Il est aussi prématuré de parler de la consultation des h[illegible]leswig pendant qu'il est occupé par les troupes Prussiennes, puisque les [illegible]opposition n'ont pas encore été discutées.

M. [illegible]ent à rappeler qu'il s'agissait en Grèce d'une révolution [illegible]issib[illegible] [illegible]aient déjà constitué eux-mêmes un Gouvernement Provisoire. [illegible]esté le [illegible]Danemark, M. le Comte Russell ajoute que le Traité de 1852 Reve[illegible]M. le [illegible]être le Roi comme Duc dans les Duchés. Quand Sa Majesté a eu pour [illegible]s la mort du feu Roi, il a été reconnu dans tous ses Etats, et le Roi actue[illegible] sans l'interv[illegible]magne il n'y aurait eu nulle part une succession plus paisible, ni plus régul[illegible] Proclamation du Duc d'Augustenbourg dans le Holstein et l'invasion du Slesvig [illegible]nt provoqué le mouvement insurrectionnel. La Révolution n'a pas été faite par les hab[illegible]nts, mais par les armées alliées.

MM. les Plénipotentiaires Prussiens doivent protester contre cette manière de représenter les faits, et M. le Comte de Bernstorff soutient que ce sont au contraire les armées alliées qui ont empêché la révolution qui aurait éclaté tôt ou tard.

M. le Prince de la [illegible]our d'Auvergne fait observer qu'une analogie complète ne parait pas exister entre les si[illegible]ations auxquelles il a été fait allusion. Dans tous les cas, le principe du partage du [illegible]lesvig ayant été admis de part et d'autre, il ne s'agit plus que de trouver le tracé de la nouvelle frontière. Il y a là un but déterminé. La consultation pourrait s'appliquer aux districts mixtes, sans s'appliquer à tout le Duché de Slesvig.

M. le Comte de Bernstorff rappelle qu'il a fini sa déclaration en disant que le mode de l'exécution, ainsi que l'étendue de l'exécution à y donner, étaient à discuter.

M. le Prince de la Tour d'Auvergne avait cru comprendre qu'il s'agissait, dans la proposition émise par M. le Comte de Bernstorff, d'une consultation générale du Slesvig, et non pas d'une consultation limitée aux populations qui en seraient détachées et aux districts mixtes.

M. le Comte Wachtmeister a cru jusqu'ici que les seules populations à consulter étaient celles habitant dans les districts qui seraient volontairement cédés par le Danemark. Il considère comme impraticable de fixer le tracé d'une frontière d'après le vote des populations.

M. le Comte de Bernstorff ne trouve pas que les différents points de vue soient complètement divergents. La question est ouverte, selon lui, pour la discussion relative-

ment à l'étendue de la consultation, pour décider si elle doit être appliquée à une partie ou à la totalité du Duché.

M. de Krieger, se référant à la déclaration de M. le Comte de Bernstorff sur la consultation des Slesvicois, ainsi qu'à l'assertion que les populations se seraient soulevées, si l'armée alliée n'était pas entrée dans le pays, déclare devoir formellement protester contre cette assertion. On ne saurait parler maintenant comme si une révolution dans le pays avait été prochaine. Il y a eu guerre, mais non pas une révolution. Il tient à constater que les Slesvicois étaient sujets fidèles du Roi, et qu'ils n'auraient pas eux-mêmes pris les armes. Le Danemark n'a pas accepté d'une manière générale le principe du partage, mais il a adhéré à une certaine ligne de démarcation, en exigeant en retour certaines garanties politiques, commerciales, et stratégiques. La question du Slesvig ne peut pas être réduite à une question de nationalité.

M. le Baron de Beust fait observer que les Slesvicois étant Danois selon M. de Krieger, il serait facile de le prouver par une consultation dont le résultat devrait être satisfaisant pour le Danemark. En le proposant on repousse le reproche si souvent entendu d'avoir envahi le Schleswig par esprit de conquête. Il serait juste d'accepter cet ordre de procéder. M. le Comte de Bernstorff a dit que le but de la proposition est d'aplanir les difficultés qui s'opposent au réglement de la question. Des points de vue très opposés se trouvent en présence. MM. les Plénipotentiaires du Danemark et des Puissances neutres ont dit que le Schleswig fait toujours partie de la Monarchie Danoise, et qu'il ne s'agit que d'en détacher une partie. De son côté, il a soutenu à différentes reprises, que le Schleswig a cessé de faire partie de la Monarchie Danoise. Si, dans cette circonstance, il a pris sur lui d'exprimer une opinion qui n'avait pas encore été émise par la Diète, il peut dire maintenant que cette opinion a été confirmée et approuvée depuis par la Diète, qui ne saurait adopter la manière de voir de ces Plénipotentiaires au sujet de la disposition à faire de la partie septentrionale du Schleswig. La proposition de M. le Comte de Bernstorff n'aurait pas pour résultat inévitable que le Roi de Danemark fût dépossédé : elle est faite dans un esprit de paix et de conciliation, et nullement pour faire voter contre le Danemark. Libre aux populations de se prononcer, ce moyen d'arriver à une solution n'est pas aussi impraticable qu'on semble le croire. Une fois qu'on adopte le principe que c'est la population qui doit décider elle-même de son sort, les Puissances se trouveraient sur un terrain neutre. M. le Plénipotentiaire de France a rappelé que les Plénipotentiaires Allemands ont accepté le partage du Schleswig en principe. Mais pourquoi? Ils l'ont accepté, sachant qu'au Nord du Schleswig il existe une population qu'on prétend être Danoise et vouloir être Danoise. Eh bien, qu'on le constate. MM. les Plénipotentiaires Danois ont soutenu que les Schlesvicois sont très Danois dans leurs sentiments. Il est cependant notoire qu'il y a eu beaucoup de manifestations dans ce Duché en faveur de l'Allemagne, et il serait impossible pour la Confédération d'abandonner des populations placées aujourd'hui sous la protection des armes Allemandes. Il s'agit plutôt de trouver une issue pratique que d'introduire un nouveau principe, et il faut employer des moyens qui donneraient à chaque Partie la possibilité de se prononcer. Il ne peut pas nier que la nationalité ne soit en cause. La ligne de démarcation devrait se régler principalement d'après les éléments qui se trouvent de l'un ou de l'autre côté. On a parlé de regrets. Il y a plus d'une Cour Allemande qui a regretté de voir reconnu par des Gouvernements professant des principes conservateurs un état de choses détrônant des Princes légitimes au moyen d'une invasion et du suffrage universel. Ici il ne s'agit pas même de rien d'analogue.

M. le Baron de Brunnow a résumé la discussion en ces termes : "Dans cette réunion, nous choisissons des voies quelquefois divergentes pour arriver à un but qui nous est commun : je veux dire, le rétablissement de la paix. La proposition que MM. les Plénipotentiaires de la Prusse viennent d'émettre dans ce but n'a pas rencontré, au sein de la Conférence, un assentiment unanime. MM. les Plénipotentiaires de la Cour d'Autriche ont constaté en combien leurs vues diffèrent de celle de la Prusse. MM. les Plénipotentiaires de la Grande Bretagne ont prononcé leur dissentiment d'une manière encore plus formelle. J'ai été dans l'obligation de m'exprimer dans le même esprit. M. l'Ambassadeur de France a restreint la question aux districts mixtes, sans l'étendre au delà. M. le Ministre de Suède et Norvège n'a point voulu préjuger à cet égard les intentions des Plénipotentiaires du Danemark. Leur réponse est décisive. Elle décline la proposition Prussienne appuyée par M. le Plénipotentiaire de la Confédération Germanique seul. Le résultat de cette délibération atteste que le mode de la solution indiquée par la Cour de Prusse n'a pas réuni les suffrages de la Conférence."

Après avoir constaté ce résultat, M. l'Ambassadeur de Russie a cru devoir inviter M. le Président à vouloir bien prendre en considération la nécessité d'aviser à une autre combinaison de nature à faciliter une transaction désirable.

M. le Comte de Bernstorff demande à répondre d'abord à une observation de Lord Clarendon sur le principe qui avait été posé dans la déclaration Prussienne ayant rapport au Traité de Londres, et fait remarquer qu'il n'y a, autant qu'il sait, que deux Traités dont les ratifications n'ont été échangées qu'avec une seule Puissance par les Puissances co-signataires, c'est-à-dire, le Traité de Londres de 1852, et celui avec la Porte sur le Détroit des Dardanelles, et que l'on ne peut rien en déduire pour les autres Traités, puisque ces deux Traités ont spécialement été conclus en faveur des deux Puissances avec lesquelles les ratifications ont été exclusivement échangées par les autres Puissances co-signataires.

M. le Baron de Brunnow soutient que c'est plutôt une question à décider entre Cabinets qu'à examiner en Conférence. Il s'associe d'ailleurs à l'avis de M. le Comte de Clarendon à ce sujet. Il a lui-même signé le Traité relatif à la Grèce, dont les ratifications n'ont été échangées qu'avec la Cour d'Athènes. Si l'une des Puissances co-signataires venait à manquer à ses engagements, elle donnerait par là lieu de plainte aux deux autres.

M. le Comte de Bernstorff rappelle que le Traité avec la Grèce est un Traité qui contient la garantie de ce Royaume par les trois Puissances.

M. le Comte de Clarendon ne peut pas admettre que des obligations réciproques n'ont pas été contractées par le Traité de Londres.

M. le Comte Russell répondant alors à l'invitation de M. le Plénipotentiaire de Russie, donne lecture d'une proposition ainsi conçue :—

"Plusieurs semaines se sont passées depuis que nous nous sommes réunis en Conférence. La dernière suspension d'armes n'a été conclue que pour l'espace de quinze jours, et elle doit expirer le 26 de ce mois.

"Mais tout imminent que paraisse le renouvellement de la guerre, on ne saurait dire que nous n'avons fait aucun progrès vers le rétablissement de la paix. Les propositions que j'ai faites dans la séance du 28 Mai, et qui avaient obtenu l'assentiment préalable des Puissances neutres, ont été acceptées par le Danemark dans des termes presque identiques avec ceux dont je me suis servi en les proposant à la Conférence, ainsi que dans leur principe par les Puissances Allemandes belligérantes. MM. les Plénipotentiaires Danois, en donnant leur consentement à la cession des Duchés de Holstein et de Lauenbourg et au partage de Slesvig, ont demandé que la ligne de démarcation soit tracée au sud d'Eckernforde, et au sud de la ville de Slesvig, suivant la ligne du Dannewirke jusqu'à Friederickstadt. MM. les Plénipotentiaires Allemands belligérants ont proposé l'adoption d'une ligne de démarcation qui partirait d'Apenrade et finirait à Tondern et Hoyer. Le point principal du désaccord se trouve donc réduit à des limites qui n'excluent pas l'espoir d'un rapprochement.

"Aussi longtemps que de graves intérêts, ainsi que l'honneur de l'Allemagne et du Danemark, paraissaient dépendre de la lutte, la proposition qui a été faite par Lord Clarendon au Congrès de Paris en 1856, qui y a obtenu l'adhésion de l'Autriche, de la France, de la Prusse, de la Russie, et de la Turquie, et qui plus tard a été adoptée par toutes les Puissances principales du monde, exprimant le vœu que les Etats entre lesquels s'élèverait un dissentiment sérieux eussent recours aux bons offices d'une Puissance amie avant d'en appeler aux armes, eût été inapplicable.

"Mais maintenant que la principale question en dispute s'est réduite à celle de tracer une frontière à quelques lieues plus ou moins au nord, quand les deux parties belligérantes ont soutenu avec éclat l'honneur de leurs armes, et quand la reprise des hostilités produirait une phase nouvelle de calamités douloureuses pour l'humanité et peu dignes de la civilisation de notre siècle, les Plénipotentiaires de la Grande Bretagne croient remplir un devoir sacré en proposant aux Puissances belligérantes, c'est-à-dire, à l'Autriche, à la Prusse, et au Danemark, de faire appel à une Puissance amie, afin qu'une ligne de frontière soit tracée, qui ne passerait ni au sud de la ligne indiquée par le Danemark, ni au nord de celle désignée par MM. les Plénipotentiaires Allemands."

M. le Baron de Brunnow ayant eu l'honneur de représenter Sa Majesté l'Empereur de Russie au Congrès de Paris en qualité de second Plénipotentiaire, constate l'assentiment que Sa Majesté Impériale a accordé à la déclaration proposée alors par Lord Clarendon. Il croit par conséquent se conformer aux intentions de Sa Majesté en s'associant entièrement à la proposition émise dans la même pensée par M. le Comte Russell. Il se fera un devoir de solliciter à cet effet l'approbation de sa Cour.

M. le Prince de la Tour d'Auvergne dit qu'il se trouve, comme M. l'Ambassadeur de Russie, sans instructions spéciales par rapport à la proposition qui est soumise à la Conférence ; mais cette proposition s'accorde entièrement avec un principe d'humanité proclamé dans le Congrès de Paris, et admis depuis par la plupart des Puissances de l'Europe ; elle est d'ailleurs tellement conforme à l'esprit de conciliation et de paix qui a dicté toutes les démarches de son Gouvernement qu'il n'hésite pas à y donner une entière adhésion.

M. le Comte Wachtmeister dit qu'il se trouve aussi sans instructions sur ce point,

mais qu'il pense que son Gouvernement subordonnera son adhésion à l'acceptation de la proposition par le Gouvernement Danois.

M. le Comte Apponyi dit que les Plénipotentiaires des Puissances belligérantes ont encore plus besoin d'instructions à ce sujet que les Plénipotentiaires des Puissances neutres. Il espère qu'il recevra ces instructions avant la séance prochaine. Jusqu'ici les Cabinets de Vienne et de Berlin n'ont pas eu le temps de s'entendre sur cette nouvelle proposition.

M. le Comte de Bernstorff demande à savoir quelles sont les instructions de MM. les Plénipotentiaires Danois à cet égard, puisqu'il croit avoir compris qu'ils ont connu la proposition Anglaise plusieurs jours avant lui, et en ont référé à Copenhague.

M. de Quaade se dit également sans instructions spéciales, mais il ne manquera pas de porter la proposition à la connaissance de son Gouvernement.

M. le Comte de Bernstorff prend la proposition *ad referendum*. Il demande par qui la Puissance médiatrice serait désignée.

M. le Comte Russell répond que si le principe est admis, il y aurait lieu de proposer un Souverain qui réunirait l'assentiment des parties belligérantes.

M. le Comte Apponyi voudrait savoir si dans la pensée de MM. les Plénipotentiaires Anglais le champ est libre pour le choix de ce Souverain. Il fait observer que parmi les Puissances neutres représentées à la Conférence, il n'y en a pas une seule qui ne se soit déjà prononcée en faveur d'un certain tracé de la frontière.

M. le Comte de Clarendon répond que la proposition est d'en appeler à une Puissance amie avant de recommencer les hostilités ; et malgré les idées que tels ou tels Plénipotentiaires ont pu émettre dans la Conférence, on devrait toujours compter sur l'impartialité d'un Souverain qui accepterait le rôle de juge.

[redacted] sens e[redacted] la Déclaration de Paris,

La discussion s'étant engagée [redacted]s, où il est dit :—

M. le Comte de Clarendon cite le texte [redacted] présenter au Congrès

"M. le Comte de Clarendon, ayant [redacted] dit que les calamités de une proposition qui lui semble devoir être fav[redacted] qu'il n'y ait pas lieu de la guerre sont encore trop présentes à tous les esprits p[redacted]le retour ; qu'il a été rechercher tous les moyens qui seraient de nature à en préveni[redacted] mande de recourir à inséré à l'Article VII du Traité de Paix une stipulation qui reco[redacted] entiment l'action médiatrice d'un Etat ami, avant d'en appeler à la force, en cas de entre la Porte et l'une ou plusieurs des autres Puissances signataires,

"M. le premier Plénipotentiaire de la Grande Bretagne pense que cette heureuse innovation pourrait recevoir une application plus générale et devenir ainsi une barrière opposée à des conflits qui, souvent, n'éclatent que parcequ'il n'est pas toujours possible de s'expliquer et de s'entendre.

"Il propose donc de se concerter sur une résolution propre à assurer, dans l'avenir, au maintien de la paix cette chance de durée, sans, toutefois, porter atteinte à l'indépendance des Gouvernements.

"M. le Comte Walewski se déclare autorisé à appuyer l'idée émise par M. le premier Plénipotentiaire de la Grande Bretagne ; il assure que les Plénipotentiaires de la France sont tout disposés à s'associer à l'insertion au Protocole d'un vœu qui, en répondant pleinement aux tendances de notre époque, n'entraverait d'aucune [redacted] la liberté d'action des Gouvernements.

"M. le Comte de Buol n'hésiterait pas à se joindre à l'a[redacted]ipotentiaires de la Grande Bretagne et de la France, si la résolution du Congrès [redacted] forme indiquée par M. le Comte Walewski ; mais il ne saurait prendre [redacted] de sa Cour, un engagement absolu et de nature à limiter l'indépendance du Cab[redacted] Autrichien.

"M. le Comte de Clarendon répond que chaque Puissance est et sera seule juge des exigences de son honneur et de ses intérêts ; qu'il n'entend nullement circonscrire l'autorité des Gouvernements, mais seulement leur fournir l'occasion de ne pas recourir aux armes, toutes les fois que les dissentiments pourront être aplanis par d'autres voies.

"M. le Baron de Manteuffel assure que le Roi, son auguste Maître, partage complètement les idées exposées par M. le Comte de Clarendon ; qu'il se croit donc autorisé à y adhérer et à leur donner tout le développement qu'elles comportent.

"M. le Comte Orloff, tout en reconnaissant la sagesse de la proposition faite au Congrès, croit devoir en référer à sa Cour avant d'exprimer l'opinion des Plénipotentiaires de la Russie."

M. le Comte de Clarendon trouve que la cessation des hostilités a établi un état de choses analogue à celui que le Congrès de Paris avait en vue, et que par conséquent les circonstances actuelles sont favorables à l'application du principe alors établi.

M. le Comte de Bernstorff exprime l'opinion que l'analogie n'est pas complète. Il s'agit dans la Déclaration d'une nouvelle guerre et non pas de la continuation [redacted] guerre suspendue.

M. le Comte Russell explique que la seule tâche que la Puissance médiatrice devrait s'imposer serait celle de tracer la ligne de frontière, et que la décision de cette Puissance à cet égard devrait être acceptée par les Puissances belligérantes comme finale.

M. le Comte de Clarendon ajoute que les Puissances devraient s'en remettre entièrement sur ce point au Souverain auquel elles accorderaient leur confiance.

M. le Comte de Bernstorff dit que ce serait un arbitrage, et non pas la médiation qu'on a eue en vue dans la Déclaration de Paris, et il exprime l'avis qu'un arbitre aurait encore plus besoin que la Conférence d'être éclairé sur les vœux des populations et sur les autres détails se rattachant à la question.

M. le Baron de Beust, se bornant à émettre son opinion personnelle, exprime son regret de ce que la proposition de M. le Comte de Bernstorff n'a pas été mieux accueillie par la Conférence. Son acceptation eût facilité l'adoption de la proposition de Lord Russell. Il croit devoir prévenir la Conférence que si l'on propose de confier la décision à un jugement arbitral, il y aura opposition de la part de la Confédération. Il maintient ce qu'il a dit dans la séance précédente au sujet du consentement de la Confédération à un arrangement définitif, et particulièrement par rapport au vœu des populations.

M. de Krieger fait observer que son Gouvernement a déjà au mois de Janvier dernier réclamé l'application du principe de la Déclaration de Paris, à un moment où l'analogie des circonstances était complète. La question de frontière n'étant pas le seul point important qui reste à régler, il serait difficile de la détacher des autres questions. Il ne suffirait pas de traiter un seul point en laissant les autres de côté.

M. le Baron de Brunnow fait observer que l'intention du C[illegible] de Paris a [illegible] mettre un intervalle entre [illegible] la paix. Il ne reste [illegible] jours d'[illegible] reprise des hostilités. Ce [illegible] peine pour en référer aux Gouvernements.

En réponse à une ob[illegible]r, M. le Prince de la Tour d'Auvergne rappelle que le Danema[illegible]nsentement à une suspension d'armes plus prolongée du réglem[illegible] la frontière.

M. le Comte Appon[illegible] observer que la conséquence de l'acceptation de la proposition de Lord Russell serait la possibilité de faire un long armistice.

M. le Comte de Clarendon rappelle de son côté que MM. les Plénipotentiaires Danois ont fait dépendre la reprise des hostilités uniquement du réglement de la ligne de frontière.

M. de Krieger conteste que les Plénipotentiaires Danois aient jamais admis que la frontière fût le seul point important. Aussitôt qu'on serait entré en discussion, il y aurait eu plusieurs autres questions à traiter.

M. de Biegeleben exprime l'avis que l'acceptation de la proposition de MM. les Plénipotentiaires Anglais impliquerait la prolongation de l'armistice.

M. de Krieger fait observer que dans ce cas son Gouvernement aurait des conditions à faire, nommément par rapport à l'occupation militaire.

M. de Balan donne lecture alors de la déclaration suivante :—

"Les Plénipotentiaires de Prusse ont déjà relevé dans une déclaration antérieure que leur Gouvernement, en consentant à une prolongation de la suspension d'armes pour une quinzaine de [illegible] seulement s'est imposé dans son désir de se montrer conciliant jusqu'à la d[illegible]e, des sacrifices difficilement compatibles avec ses intérêts militaires et com[illegible] Ils ont en conséquence déclaré que le renouvellement des hostilités au [illegible] pourra être évité que si jusque-là une paix acceptable est assurée, ou bien si un [illegible] d'une durée étendue est conclu sous des modalités qui n'admettent point d'inte[illegible]ation arbitraire. Ils avaient espéré que l'espace de quinze jours, qu'ils n'ont cessé de qualifier de trop court dans la discussion de la séance du 6 Juin, serait du moins employé d'emblée à un échange d'idées plus suivi dans la Conférence, pour rapprocher autant que possible les vues divergentes et éclaircir en tout cas la situation. A leur regret, après un intervalle de dix jours, la moitié du terme assigné à la durée ultérieure de la suspension d'armes est passée, sans que les délibérations de la Conférence aient été reprises. L'éventualité d'une paix acceptable ne paraît, malgré les nouvelles propositions Anglaises que nous venons d'entendre, pas beaucoup moins éloignée qu'il y a quinze jours. Dans cette situation nous avons reçu l'ordre exprès de préciser dès aujourd'hui les modalités sous lesquelles notre Gouvernement consentira à un armistice. Il demande que cet armistice dure six mois, avec un terme de dénonciation d'un mois. Il est encore prêt à l'admettre sur la base proposée par MM. les Plénipotentiaires Anglais dans la séance du 4 Mai, appuyée alors par tous les Plénipotentiaires des Puissances neutres, acceptée plus tard par les Plénipotentiaires de Prusse et d'Autriche, mais rejetée par ceux du Danemark, qui sont revenus sur une simple suspension d'armes qu'ils avaient rejetée dans la séance précédente, et que les Gouvernements Allemands ont, malgré cela, admise par un excès de conciliation. Il va sans dire que les Parties

belligérantes s'engageraient à ne point augmenter pendant la durée de l'armistice leurs forces, et à ne point renforcer leurs positions militaires dans les pays qu'elles occupent."

M. de Krieger croit pouvoir se borner à faire observer qu'il ne faut pas oublier la différence entre les conditions d'une suspension d'armes et celles d'un armistice.

M. le Comte de Bernstorff dit que les conditions en question sont uniquement formulées en vue d'un armistice, que MM. les Plénipotentiaires de la Prusse sont prêts à accepter comme auparavant.

M. de Biegeleben répète que si les Plénipotentiaires des Puissances belligérantes prennent la proposition *ad referendum*, la prolongation de la suspension d'armes, ou un armistice, pour la durée d'au moins deux mois, ou avec dénonciation préalable de quatre semaines, devrait s'en suivre.

M. de Krieger exprime l'opinion personnelle que s'il y a moyen de tomber d'accord sur les autres conditions, la durée de l'armistice devrait au moins être de neuf mois.

MM. les Plénipotentiaires de la Prusse se disent prêts, dans le cas où ce terme serait proposé, à prendre la proposition *ad referendum*.

Il est entendu que MM. les Plénipotentiaires des Puissances belligérantes demanderont des instructions à leurs Cours respectives par le moyen du télégraphe sur la proposition de MM. les Plénipotentiaires Anglais, et que la séance prochaine de la Conférence aura lieu le Mercredi 22 Juin, à 3 heures.

M. de Quaade demande à donner lecture de la déclaration qui suit:—

"Bien que le Gouvernement Danois ait eu de nombreux motifs pour se plaindre de l'état de choses existant dans le Jutland depuis la suspension d'armes, les Plénipotentiaires Danois se sont pourtant abstenus, autant que possible, de porter les différents objets de plainte devant la Conférence. Ils se [illegible] à faire observer en général que les troupes alliées ne donnaient pas suite [illegible] s convenues d'une manière conforme à l'esprit qui devait le plus naturellem[illegible] la teneur de ces dispositions, teneur proposée par MM. les Plénipot[illegible]ns et Prussiens mêmes. Un seul point a dû être relevé plus spécialem[illegible]nt en argent comptant, MM. les Plénipotentiaires Prussiens ayant assuré que tout [illegible] été payé en argent tous les Samedis depuis le commencement, tandis que les renseignem[illegible]nts parvenus aux Plénipotentiaires Danois portent que pendant toute la durée du mois de Mai il ne s'est pas fait un seul paiement en argent comptant pour les réquisitions faites en Jutland à la suite de la suspension d'armes.

"Le Mémoire présenté par M. le second Plénipotentiaire de Prusse à la séance précédente oblige les Plénipotentiaires Danois à se prononcer d'une manière plus explicite, pour autant qu'ils n'ont pas déjà dit ce qui était nécessaire, et pour autant que les données qui sont à leur disposition le leur permettent. A cet effet, qu'il leur soit permis de poser comme point de départ le principe général d'après lequel les questions spéciales doivent nécessairement être jugées.

"La teneur expresse des dispositions de la suspension d'armes du 9 Mai dernier n'admet pas, au point de vue de droit, que l'état de choses dans les parties occupées du Jutland soit envisagé comme s'il n'était qu'une simple interruption momentanée de l'état de guerre. Il a été stipulé d'une manière formelle et en des termes choisis par MM. les Plénipotentiaires des Puissances Allemandes, eux-mêmes, que, comme équivalent de la levée simultanée du blocus devant les ports Prussiens, on n'entraverait dans le Jutland ni le commerce, ni les communications, ni la marche régulière de l'administration; or cette disposition exclut de la manière la plus positive l'état exceptionnel d'une subordonnation au pouvoir militaire des autorités régulières du pays, et des [illegible]ons militaires seules ne suffisent donc pas pour justifier des exigences non conformes au principe général établi par la suspension d'armes. La Conférence voudra bien se rappeler que ce principe a eu une certaine influence sur la décision du Gouvernement Danois de lever le blocus.

"En présence de ce même principe les Plénipotentiaires Danois ont de la difficulté à comprendre que ce ne soit que la communication intérieure dans les districts occupés qui ne devra pas être entravée, et ils n'ont pas moins de peine à comprendre comment on voudra justifier les obstacles mis à la libre navigation des ports Jutlandais, la défense de quitter ces ports pendant la nuit, l'ordre donné aux navires de s'arrêter pour être visités par des postes militaires *ad hoc*, &c.

"Les Plénipotentiaires Danois doivent considérer comme une infraction manifeste à l'engagement de ne pas entraver la marche regulière de l'administration, que, contrairement aux lois du pays, une censure des journaux publics a été introduite, et qu'on soumet arbitrairement les habitants et les employés publics du pays aux lois et à la justice militaires. Il n'est, à leur avis, non moins incompatible avec les principes de l'arrangement convenu qu'on défende aux conscrits Jutlandais de se rendre sous les drapeaux.

Pour empêcher un de ces conscrits de quitter le pays volontairement et comme simple voyageur, on a menacé son père d'emprisonnement ; on a fait des recherches domiciliaires chez un employé public afin de s'assurer par ses papiers si par hasard quelqu'un voudrait s'éloigner dans le même but.

"Pour éviter autant que possible des conflits, le Gouvernement Danois s'est abstenu de faire des levées dans le Jutland ; mais malgré cela quiconque veut volontairement quitter le pays a le droit de le faire, quel que soit du reste le but de son voyage.

"Les Plénipotentiaires Danois doivent également considérer comme contraire à l'engagement pris, que les autorités Prussiennes défendent l'usage du Danebrog et même font baisser de force le pavillon d'un édifice public où il sert de pavillon de douane pour indiquer, conformément aux règles administratives du pays, s'il y a des empêchements à la navigation.

"Il était, sans doute, très-difficile d'éviter que l'état créé par la suspension d'armes ne donnât lieu à des collisions. De la part du Gouvernement Danois rien n'a été négligé pour écarter ces collisions doublement pénibles pour lui ; mais la ligne de conduite observée par les troupes alliées en des cas de divergence de vue ne lui semble point conforme aux procédés auxquels il croyait à juste titre pouvoir s'attendre de la part du plus fort. Selon lui la voie naturelle à suivre par les autorités militaires quand elles croyaient avoir lieu de se plaindre des sujets du Roi, eût été de s'adresser aux autorités supérieures du p[illegible] et notamment au Commissaire Royal, qui était prêt à mettre immédiatement [illegible] véritables contraventions, et, dans les cas douteux, à amener un arrangem[illegible] Au lieu de prendre cette voie on s'est fait justice à soi-même de la [illegible] traire. Un employé public après l'autre a été emprisonné so[illegible] futiles, et des menaces de tout [illegible] oférées. Ainsi on [illegible] la justice militaire les emplo[illegible] devant [illegible] endommagés, que ces emplo[illegible] stricts où les fils télégraphiques auraient été [illegible] télégraphique ait tout au[illegible] on empêcher ce désordre, et malgré que le fil [illegible] upé par des soldats appartenant à l'armée d'occupation.

"On ne saurait dire [illegible] ceci se réduise à une simple menace. Personne n'est sûr de ce qui peut arriver [illegible] and un employé de douane, âgé de près de soixante-dix ans, a pu être mis au pain [illegible] à l'eau pour n'avoir pas voulu rendre une garantie, déposée en sûreté de dr[illegible] oits dont les lois du pays lui imposaient le devoir de surveiller la perception régulière."

M. de Balan dit qu'il portera naturellement la déclaration dont M. de Quaade vient de donner lecture, à la connaissance de son Gouvernement. Mais il ajoute que, quand même on réussira à éclaircir quelques assertions contradictoires et à écarter quelques malentendus, l'expérience a pourtant démontré que la co-ordination des autorités militaires Allemandes et des autorités civiles Danoises dans les pays qui restent militairement occupés, ne peut se prolonger, et que, par conséquent, son Gouvernement n'y consentira pas.

M. le Comte de Bernstorff s'étonne que MM. les Plénipotentiaires Danois n'aient pas reçu d'autres renseignements constatant que des paiements ont été faits en argent, puisqu'il sait positivement que les paiements ont eu lieu. Les réquisitions dont parle la déclaration Danoise ne peuvent, du reste, se rapporter qu'à des voitures, puisque tous les approvisionnements des troupes sont fournis par l'Intendance Militaire, qui les reçoit de Hambourg.

M. le Comte de Clarendon, se référant à la proposition de M. le Comte Russell, croit qu'il devient utile, puisqu'elle a été prise *ad referendum*, d'en préciser le sens afin d'empêcher tout malentendu ultérieur. [illegible] n'admet pas l'interprétation de M. de Krieger que l'on ne saurait pas appliquer la Déclaration du Congrès de Paris, sans faire également appel à la Puissance Médiatrice pour toutes les questions en litige. Il s'agit uniquement du territoire en dispute et de la frontière. L'intention des Plénipotentiaires Anglais est de proposer que cette question du territoire entre les deux lignes indiquées soit soumise à l'arbitrage d'une Puissance amie, les Puissances belligérantes s'engageant à accepter sa décision comme finale. C'est là la proposition, et les moments sont devenus précieux en vue de la reprise prochaine des hostilités, dans le cas où elle ne serait pas acceptée.

M. de Balan donne lecture de la déclaration suivante :—

"D'après des nouvelles authentiques, le capitaine de navire Danois Hammer s'est emparé de la personne de sept notables de l'Ile de Sylt, et les a conduits à Copenhague. Le bourg de Keitum, sur l'Ile de Sylt, est déclaré en état de siège.

"Les Plénipotentiaires de Prusse sont chargés de porter cet acte de violence à la connaissance de la Conférence, et de déclarer que, tandis que d'un côté il prouve à quelles mesures le Danemark doit recourir pour maintenir sa domination sur les Iles Frisonnes, de l'autre il doit inévitablement provoquer des représailles."

M. de Quaade se borne à faire observer que Sa Majesté le Roi de Danemark a les mêmes droits dans les Iles Frisonnes que par exemple dans l'Ile de Sélande; et M. de Krieger ajoute que d'ailleurs les faits dont il s'agit, ne sont pas encore connus.

M. le Comte de Bernstorff fait alors une représentation à la Conférence, sur les blocus établis ou à établir par le Danemark, dans les termes suivants:—

"Conformément aux communications que le Gouvernement Prussien a adressées à différentes reprises aux Cabinets des Puissances neutres sur l'illégalité des blocus Danois, nous sommes chargés de faire observer que si le Gouvernement Danois, en renouvelant le blocus des ports de la Poméranie, n'observe pas strictement la disposition de la Déclaration de Paris du 16 Avril, 1856, concernant l'efficacité des blocus, et qu'ainsi une des dispositions de ce grand Acte international soit de nouveau méconnue impunément, ou même avec l'assentiment tacite des autres Puissances signataires, par une Puissance belligérante, les autres Articles de la dite Déclaration perdent, comme de raison, également leur valeur, et le Gouvernement de Sa Majesté le Roi de Prusse ne saurait se regarder encore comme tenu de les respecter à l'égard de Danemark."

M. de Bille ne saurait admettre qu'il y ait eu violation par le Danemark des dispositions de la Déclaration du Congrès de Paris sur le droit maritime.

M. le Baron de Brunnow regarde la déclaration de M. le Comte de Bernstorff comme de nature à mériter une considération très sérieuse. Ce serait une chose grave s'il entrait vraiment dans les intentions de la Prusse de rétablir la course. La sécurité de la navigation dans le Nord en serait troublée. Les autres Puissances se verraient dès lors dans l'obligation d'aviser à la protection de leur commerce.

M. le Comte de Bernstorff fait observer que dans sa déclaration la course n'est pas nommée, et qu'en général il y est seulement dit que, si le Danemark n'observait pas l'un des Articles d'un Acte international à l'égard de la Prusse, celle-ci ne se regarderait pas non plus comme liée par les autres Articles du même Acte vis-à-vis du Danemark. Il demande du reste si les blocus ne dérangent pas la navigation.

M. le Baron de Beust tient à placer un mot. Les stipulations du Congrès de Paris ont eu pour objet d'amoindrir les rigueurs et les calamités résultant d'une guerre maritime pour le commerce et la navigation. C'est pour cela qu'on a stipulé que les blocus pour être obligatoires doivent être effectifs. Si un blocus s'établit en dehors de cette condition, le Gouvernement Prussien serait dans son droit en ayant recours aux représailles.

M. le Baron de Brunnow demande si la Prusse peut se constituer juge et partie dans sa propre cause?

M. le Prince de la Tour d'Auvergne dit qu'il est extrêmement difficile de constater la non-efficacité d'un blocus. La Prusse est fondée à fournir à cet égard des preuves, mais c'est là une question qui ne semble pas du ressort de la Conférence, et au sujet de laquelle le Gouvernement Prussien a sans doute déjà fait parvenir des communications aux Puissances représentées dans la Conférence.

M. le Comte de Bernstorff répond qu'effectivement des communications ont été adressées sur ce sujet aux Cours d'Angleterre, de France, et de Russie, mais qu'autant qu'il sait, la Russie seule y a répondu jusqu'ici.

M. le Comte Wachtmeister reconnaît la difficulté de vérifier si un blocus est effectif. Le meilleur moyen, selon lui, serait d'envoyer des bâtiments de guerre sur les lieux et de se fier aux rapports des commandants.

M. le Comte de Clarendon fait observer qu'il n'appartient pas au pays bloqué de décider sur l'efficacité du blocus. C'est là une question pour les autres pays. Et même en supposant que cette stipulation n'ait pas été exécutée, est-ce que les autres stipulations sur la loi maritime adoptées par le Congrès de Paris peuvent être regardées par ce fait comme annulées?

M. le Comte de Bernstorff soutient que le Danemark a déclaré un blocus illégal, et que ce fait a été prouvé.

M. de Krieger affirme qu'au contraire le blocus a été effectif, et qu'en tout cas ce n'est pas dans la Conférence que la discussion doit s'engager sur ce point.

M. le Comte de Clarendon croit que les contributions levées dans le Jutland prouvent que le blocus n'a pas été inefficace. Il regarde la déclaration de M. le Comte de Bernstorff comme montrant une indifférence complète au droit international. Un pays ne peut guères se plaindre qu'il n'est pas assez bloqué, et avoir pour cela recours aux représailles.

M. le Comte de Bernstorff trouve au contraire dans la déclaration de son Gouvernement une preuve qu'il veut que le droit international soit respecté par tout le monde.

M. le Baron de Brunnow, après avoir donné lecture du Protocole de Paris du 16 Avril, 1856, signale à la Conférence les termes positifs dans lesquels les Cabinets ont statué—1. Que "la course est et demeure abolie." Il soutient, de concert avec M. le Comte de Clarendon, que la course ne saurait être rétablie sans le consentement des

autres Puissances. Une seule d'entre elles ne peut pas se croire déliée de ses engagements par le fait qu'elle ne trouve pas effectif un blocus établi à son préjudice. Ces questions maritimes sont basées sur certains principes qu'il serait très grave de remettre en doute.

M. de Balan soutient que si les réclamations adressées aux autres Puissances sur l'inefficacité du blocus restent sans réponse, la Prusse a le droit de se croire déliée des autres stipulations de la Déclaration de Paris, vis-à-vis du Danemark.

M. le Baron de Brunnow annonce qu'il se trouvera dans l'obligation d'appeler sur cet incident l'attention sérieuse de son Gouvernement. A son avis chaque lettre de marque multiplierait les risques auxquels la navigation marchande pourrait se trouver exposée dans la Baltique, et les Puissances riveraines seraient appelées à aviser dans l'intérêt de leur commerce.

M. le Comte Wachtmeister parle dans le même sens, et ajoute que dans son opinion les Puissances neutres sont les meilleurs juges et de l'efficacité d'un blocus et des mesures qu'il leur conviendra de prendre en conséquence.

M. le Comte de Clarendon regarde également la déclaration comme très sérieuse. Il ne comprend pas qu'une Puissance, sans autre autorité que sa propre volonté, puisse dire, "Le blocus n'est pas effectif, je donne des lettres de marque."

M. de Balan fait observer que cela n'est pas contenu dans la déclaration de son Gouvernement.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

(Translation.)

Protocol No. 10.—*Sitting of June* 18, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia:
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Count de Bernstorff speaks as follows:—

"I have to make the following declaration in the name of the Prussian Plenipotentiaries:

"'We have already remarked more than once that the Conference, in order to possess the information which it requires, ought to be acquainted with the wishes of the population of the country whose future forms the object of its deliberations. Guided by this conviction, and by order of our Government, we demand that the inhabitants of Schleswig shall be consulted on the subject of the arrangements to be adopted with regard to them, and that the fate of a part or the whole of that population shall not be decided without their wishes having previously been loyally consulted. We are authorized to discuss the manner in which the principle of which we propose the adoption shall be executed, and the extent to which it shall be applied.'"

Upon Earl Russell's inquiry whether the Austrian Plenipotentiaries adhere to this declaration, Count Apponyi expresses himself in these terms:—

"The Austrian Plenipotentiaries join in the declaration which has just been read by

the Prussian Plenipotentiaries, in so far as, according to the opinion of the Imperial Government, the object of the work of peace can only be completely attained by means of the consent of the Duchies, expressed by the organ of their Sovereign and of their Representatives legally constituted.

"They must, however, remark that, in their opinion, the question of the cession of a part of Schleswig interests Holstein almost as much as Schleswig, and that it is not of a nature to be decided by the wish of the populations consulted by districts or by parishes. With respect to this point, they can only refer to the reservations which they previously made upon this subject."

M. de Quaade refers to the declaration which he had made in the sitting of the 2nd of June in the name of the Danish Government. He reminds the Conference that the King of Denmark only consented to an eventual cession of territory on condition of obtaining thereby an independent and perfectly autonomous existence for such of his States as should remain to him, and that there has been no question whatever of consulting the populations of the territories which are to continue attached to Denmark. It is only in the part to be ceded that account ought to be taken of the wishes of the population.

M. de Krieger likewise finds this proposal unacceptable. He understands that in very extraordinary circumstances recourse may be had to the exceptional expedients of consulting a nation; but these extraordinary circumstances have not occurred, and there does not properly exist a Sleswig nationality. A proposal like that which has just been made comprises a *petitio principii;* it would first of all be necessary to have proved that a part of the populations subjected to the King of Denmark ought to be detached from the other populations. Why consult the Sleswig subjects of the King of Denmark only? Why not also consult all His Majesty's other subjects? This proposal does not, then, lay down the principle of nationalities, but rather the principle of a provincial autonomy of quite an extraordinary kind; it applies in a singular manner to the demands which it is desired to found upon war, a proceeding to which in general recourse is only had in revolutions.

Count de Bernstorff says that the object of the Conference ought to be to come to an agreement with regard to a line of frontier, and that for that purpose it would be necessary to know the wishes of the population interested in the question.

Baron de Brunnow expresses himself thus:—

"I regret to find myself obliged to declare that I entirely differ from the opinion expressed by the Plenipotentiaries of Prussia. The feeling of regret which I experience is so much the stronger as it is painful to me to disagree with the Representatives of a Power united to Russia by the ties of an intimate friendship. But if I owe just consideration to the proposals of a friendly Power, I have duties to perform towards the Court which I have the honour to represent. I must, before all things, maintain the principles which guide the policy of the Emperor. I should be departing from those principles were I to admit the appeal which the Plenipotentiaries of Prussia propose to make to the population of Sleswig. With what object is it desired to consult them? Is it proposed to interrogate them in order to know whether they wish to remain faithful to their Sovereign? And under what circumstances will this consultation take place? Will it be made whilst the country is placed under the rule of a military occupation?"

The Plenipotentiary of Russia hereupon recapitulated the events which have brought about that occupation. The Courts of Austria and of Prussia have declared that, in taking possession of the Duchy of Sleswig, they considered that country as a material pledge in their hands, in order to oblige Denmark to fulfil her engagements towards Germany. Now, after having effected the military occupation of that Duchy, Prussia, so far from restoring that pledge to its Sovereign, proposes an appeal to the inhabitants in order that they may decide to whom they wish to belong. It is to the peasants of Sleswig that she addresses herself in order that they may trace the frontier of a country which forms at this moment the subject of the deliberations of the Conference of London? Is that the object for which the Representatives of the Great Powers have been invited to meet in London? The Plenipotentiary of Russia is far from admitting it. In his opinion, the allied Powers have acknowledged the necessity of concerting with the other Powers parties to the Treaty of 1852, with respect to the arrangements which it may be desirable to substitute for that act, after an understanding established by general consent. To-day, instead of coming to that understanding by the efforts, by the united advice of the Representatives of the Great Powers of Europe, is it desired to consult the population of Sleswig in order to make the acts of the Conference subordinate to their opinion? The Plenipotentiary of Russia, for his part, could not give his consent to such a proposal.

Count de Bernstorff does not see why Baron de Brunnow has spoken exclusively of the peasants: there are other inhabitants in the Duchy of Schleswig; and it is not even said,

that the inhabitants are to decide, but that the Conference ought to be enlightened as to the views of the population of the country whose future forms the subject of its deliberations. As to the question of the military occupation during the consultation, it has not yet been discussed.

Baron de Brunnow says that the proposal of consulting the subjects of the King of Denmark with a view to dispossess him would be a new combination in fact, and an inadmissible principle in law. He regrets to hear it made by the Plenipotentiary of His Majesty the King of Prussia.

Count de Bernstorff replies that there is no question in the proposal of dispossessing the King of Denmark, but only of enlightening the Conference as to the best line of boundary to trace.

M. de Quaade again mentions that a cession of territory has only been agreed to conditionally by his Government, who have reserved to themselves the right to revert to the Treaty of London.

Upon this remark, Count de Bernstorff reads the following declaration:—

"As in the last sitting of the Conference, the question of the position of the two German Powers with regard to the Treaty of London of 1852, which we had thought exhausted by the long and repeated discussions which occupied the first sittings, especially that of the 12th of May, has been again discussed, we find ourselves obliged, in order to dissipate all the doubts which appear still to subsist upon that point, to make the following declaration, which is in exact conformity with the precise instructions which we have received from our Government on the subject.

"Up to the time of the death of King Frederick VII, the German Powers might hope that the Crown of Denmark would fulfil the obligations contracted with them, and that by that means, and by the presentation, till then omitted, to the States of the Duchies, of a Bill with regard to the Succession to the Throne, the order of Succession provided for by the Treaty of London would completely acquire the force of law, before the case which had been foreseen of the Throne becoming vacant occurred.

"The King's death not only dissipated these hopes, but his successor to the Danish Throne immediately manifested, by the Act of the 18th of November, his intention not to fulfil those obligations.

"Immediately afterwards, the Prussian Government insisted upon the connection of those obligations with the projected order of Succession, in a despatch, amongst others, to the King's Ambassador in London dated the 23rd of November, and more than once declared that, in consequence, they considered themselves authorized by right to consider the Treaty of 1852 as no longer obligatory.

"They added that if they did not immediately proclaim their renunciation of the Treaty, they only refrained from regard to the other Powers, and in the hope that Denmark, ceasing from the open infraction of her obligations, would restore the preliminary conditions of that arrangement, and render it possible to maintain peace.

"Even when this hope was deceived, when on the 31st of January the Constitution which was contrary to the international stipulations had not only not been repealed as regarded Sleswig, but had been put in force, the two German Powers were unwilling as yet to make an immediate use of their rights. Even at the moment when Denmark had obliged them to take measures of war, declared, in the despatch of January 31, that they intend to put in question the principle of the integrity of the Danish Monarchy. But at the same time they expressly declared that a further persistence of Denmark in the path on which she had entered would oblige them to make sacrifices which might impose on them the duty of abandoning the arrangements of 1852, and of endeavouring to come to an understanding with the Powers who signed the Treaty of London as to a different order of things. The case has completely arrived.

"The Danish Government have persisted in their refusal to the last extremity, and have continued their armed resistance up to the last moment.

"After all these events, the Government of the King can no longer consider themselves in any way bound by the obligations which they had contracted on the 8th of May, 1852, under other pre-suppositions. The Treaty was concluded by them with Denmark, and not with any other Powers, and it was only between Copenhagen and Berlin that ratifications were exchanged, and not between Berlin and London, or St. Petersburgh, &c. Even if the Treaty of London had been intended to create obligations between Prussia and the neutral Powers, which our Government does not admit, these obligations would have been void, together with the Treaty itself, as soon as the latter became so in consequence of the non-accomplishment of its preliminary conditions.

"In consequence, and in conformity with their declaration of the 31st of January, the Government of the King consider themselves entirely free from any obligations which

might be deduced from the Treaty of London of 1852, and entitled to discuss any other arrangement in a manner entirely independent of that Treaty.

"It results naturally from their political relations that the Government of the King should endeavour to discover, in common with the other Great Powers, the solution of a question the European bearing of which they have never ignored, and they have done no more than recognize those natural relations in the last passage of the declaration of the 21st of January. By accepting the invitation of the English Government to the Conference they have moreover proved by acts that they are ready to search for and to discuss in common the means of attaining it."

The Earl of Clarendon observes, that the Prussian Government endeavour to introduce very important and serious changes in the law of nations, in attempting to establish the principle that because the ratifications of a Treaty have only been exchanged with a single Power by each of the other signatary Powers, the latter shall be released at pleasure from their reciprocal obligations. This would be a doctrine as new as it is dangerous, against which it is his duty to protest.

He refers to the Treaty which settles the closing of the Bosphorus to foreign ships of war, the ratifications of which were only exchanged with the Porte, but which has always been regarded as binding by all the Powers who joined in its signature. "Once admit," he says, "that it is competent for each Power, under any pretext and at its own convenience, to break through the solemn engagements of a Treaty, and the international law of Europe would be overthrown; it would have neither force nor authority. He agrees in the observations of Baron de Brunnow as regards the first declaration of Count de Bernstorff, the object of which is to dethrone the King of Denmark. This is the real result which it is desired to attain by asking the subjects of the King whether they wish to remain under his authority or not. This is also a new and dangerous principle which he has heard with painful surprise.

Count de Bernstorff says that he did not speak especially either of townspeople or peasants. He desires above all that it should be the States of the country who should pronounce their opinion, and he does not understand Lord Clarendon's surprise. He cites the cession of the Ionian Islands, and the consultation of the wishes of their inhabitants on that subject, as the most recent example, given by England herself, of the application of that principle, which is by no means so dangerous as the principle proclaimed in official documents which have emanated from the British Cabinet, according to which every nation which may not be pleased with its Government would have the right to dismiss it and to take another. Neither is the principle which he proposes a new one, since it has been applied in recent times to almost all the countries which have changed masters. He mentions among others Naples, Tuscany, Savoy and Nice.

The Earl of Clarendon replies that England was not Sovereign of the Ionian Islands, but that she had accepted the Protectorate of them in the interests of Europe. She declared herself ready to surrender this Protectorate with the assent of the other Powers, if it was the general wish of the population.

Count de Bernstorff replies to an observation of the Earl of Clarendon that the Treaty of London is not a Treaty guaranteeing the Danish Monarchy, that, on the contrary, it was expressly stated at the time of its conclusion that it gave no guarantee, and this is admitted by Lord Clarendon.

Baron de Brunnow remarks that the Ionian Islands formed an independent State, and that there was no question of detaching them from their Sovereign. The question which was to be resolved consisted in whether the Government of the Ionian Islands wished to remain under the English Protectorate, and to preserve their independence, or whether they preferred to give it up in order to be united to the Hellenic Kingdom. It was with this object that Her Britannic Majesty's Government consulted the wishes of the Ionian Parliament. This determination was taken in concert with the Representatives met in Conference in London. The Ambassador of Prussia cannot have forgotten this, since he himself took part in the deliberations of that Conference. He must, therefore, be convinced that the example of the Ionian Islands, to which he refers, is in no way applicable to the actual proposal of consulting the inhabitants of Sleswig, be they peasants or townspeople.

As to the Treaty of London, Baron de Brunnow entirely agrees in the observations made by the Earl of Clarendon.

Count de Bernstorff begs to cite another example which the Ambassador of Russia will perhaps admit, since the Government of Russia itself concurred in it: it is that of Greece, where a revolution took place, and where a new Sovereign has been established in virtue of a plebiscite. He does not understand the application of a principle in one case, and its repudiation in another.

Baron de Brunnow replies that Greece was not occupied by Russia as Sleswig is

occupied by the Prussian troops; that neither was Greece considered as a material guarantee; finally, that the Imperial Government concurred in recognizing a Sovereign raised to the Throne by the National Assembly of Greece, but that they did not consult the inhabitants of Greece in order to depose him.

Count de Bernstorff repeats that it is not a question of deposing a Sovereign, but of informing the Conference as to facts. It is also premature to speak of consulting the inhabitants of Schleswig whilst it is occupied by Prussian troops, since the manner of carrying out the proposal has not yet been discussed.

Earl Russell wishes to observe that in Greece it was a case of popular revolution, and that the Greeks had already themselves constituted a Provisional Government. Returning to the question of Denmark, Earl Russell adds that the Treaty of 1852 had for object the recognition of the King as Duke in the Duchies. When His Majesty the present King succeeded after the death of the late King, he was recognized in all his States, and without the intervention of Germany there would nowhere have been a more peaceful or more regular Succession. It was the Proclamation of the Duke of Augustenburg in Holstein and the invasion of Sleswig which gave rise to the insurrectionary movement. The revolution was not made by the inhabitants, but by the allied armies.

The Prussian Plenipotentiaries must protest against this manner of representing facts, and Count de Bernstorff maintains that, on the contrary, it was the allied armies who prevented the revolution, which would have broken out sooner or later.

The Prince de la Tour d'Auvergne observes that a complete analogy does not appear to exist between the situations to which allusion has been made. In any case, the principle of the division of Sleswig having been admitted on either side, it is now only necessary to to settle the tracing of the new frontier. This is a definitive object. The consultation might take place in the mixed districts without being applied to the whole Duchy of Sleswig.

Count de Bernstorff remarks that he concluded his declaration by saying that the manner of the execution, as well as the extent of the execution to be given to it, were subjects for discussion.

The Prince de la T[illegible] d'Auvergne thought the proposal made by Count Bernstorff related to a general appe[illegible]o Slesvig, and not to an appeal limited to the populations which might be detached therefrom, and to the mixed districts.

Count Wachtmeister had imagined hitherto that the only populations to be consulted were those who inhabited the districts which should be voluntarily ceded by Denmark. He considers it impracticable to fix the tracing of a frontier according to the vote of the population.

Count de Bernstorff does not consider that the different points of view are completely divergent. The question is, in his opinion, open to discussion with regard to the extent of the consultation, to decide if it should be applied to a part or to the whole of the Duchy.

M. de Krieger, referring to Count de Bernstorff's declaration as to consulting the people of Sleswig, as also to the assertion that the population would have risen if the allied army had not entered the country, declares that he must formally protest against this assertion. One cannot speak now as if a revolution in the country had been imminent. There has been war, but not a revolution. He begs to state that the Sleswig people were faithful subjects of the King, and that they would not of themselves have taken up arms. Denmark has not accepted the principle of division in a general manner, but she has adhered to a certain line of boundary, requiring in return certain political, commercial, and strategic guarantees. The question of Sleswig cannot be reduced to a question of nationality.

Baron de Beust observes that the people of Schleswig being Danish according to M. de Krieger's statement, it would be easy to prove it by an appeal to them, the result of which would be satisfactory for Denmark. In proposing it the reproach so frequently uttered that Schleswig has been invaded in a spirit of conquest is refuted. It would be right to accept this manner of proceeding. Count de Bernstorff has said that the object of his proposal is to remove the difficulties which oppose the settlement of the question. Very opposite views have been expressed. The Plenipotentiaries of Denmark and of the neutral Powers have said that Schleswig still forms part of the Danish Monarchy, and that it is merely proposed to separate part of it. On his side he has more than once maintained that Schleswig has ceased to form part of the Danish Monarchy. If under these circumstances he has taken upon himself to express an opinion which had not yet been given by the Diet, he can now say that that opinion has since been confirmed and approved by the Diet, which cannot adopt the views of those Plenipotentiaries with regard to the manner in which the southern part of Schleswig is to be disposed of. The proposal of Count de Bernstorff would not inevitably result in the King of Denmark's being dispossessed; it is

made in a spirit of peace and of conciliation, and in no way to obtain votes against Denmark. Leaving the population free to pronounce their opinion, this means of arriving at a solution is not so impracticable as it seems to be considered. If the principle is once adopted that the population ought themselves to decide on their own fate, the Powers would find themselves on neutral ground. The Plenipotentiary of France has remarked that the German Plenipotentiaries have accepted the division of Schleswig in principle. But why? They have accepted it, knowing that in the north of Schleswig there exists a population which it is asserted is Danish, and wishes to be I[illegible]. Well, let it be proved. The Danish Plenipotentiaries have maintained that the Schl[illegible]eople are very Danish in their feelings. It is, however, notorious that there have be[illegible]y manifestations in that Duchy in favour of Germany; and it would be impossible fo[illegible]onfederation to abandon the population now placed under the protection of the Ger[illegible]s. It is a case of discovering a practical solution rather than of introducing a new[illegible]le, and it is necessary to employ means which shall afford to each party the possib[illegible]ving its decision. He cannot deny that the cause is one of nationality. The line[illegible]cation ought principally to be guided by the elements which exist on either sid[illegible]on has been made of regrets. More than one German Court has regretted to[illegible] of things which has resulted in the deposition of legitimate Princes by mean[illegible]sion and of universal suffrage, recognized by Governments professing conserva[illegible]. In this case there is no question even of anything analogous.

Baron de Brunnow summed up the discussion in the[illegible] In this meeting we sometimes choose divergent paths in order to arrive at[illegible]ch is common to us all; I mean the restoration of peace. The proposal whic[illegible]tentiaries of Prussia have just made with this object has not met with an una[illegible] in the Conference. The Plenipotentiaries of the Court of Austria have state[illegible]ir views differ from those of Prussia. The Plenipotentiaries of Great Britain[illegible]nced their dissent in a manner still more formal. I have been compelled[illegible]myself in the same spirit. The Ambassador of France has limited the questio[illegible]ed districts without extending it beyond them. The Minister of Sweden and No[illegible]s been unwilling to prejudge in this respect the intentions of the Plenipotentiaries of Denmark. Their reply is decisive. It declines the Prussian proposal, which is supported by the Plenipotentiary of the Germanic Confederation alone. The result of this deliberation proves that the manner of solution indicated by the Court of Prussia has not secured the united suffrages of the Conference."

After having stated this result, the Ambassador of Russia thought it right to beg the President to be so good as to take into consideration the necessity of consulting as to some other combination of a nature to facilitate a desirable arrangement.

Count de Bernstorff begs to be allowed first to reply to the observation of Lord Clarendon as to the principle which had been asserted in the Prussian declaration with regard to the Treaty of London, and remarks that, as far as he knows, there are only two Treaties, the ratifications of which have only been exchanged with a single Power by the other Powers who signed it, namely, the Treaty of London of 1852, and that with the Porte respecting the Straits of the Dardanelles, and that nothing can be deduced therefrom with regard to other Treaties, since these two Treaties have been specially concluded in favour of the two Powers with which the ratifications have been exclusively exchanged by the other Powers who signed them.

Baron de Brunnow maintains that this is rather a question to be decided between Governments than one to be examined in Conference. He agrees, however, in the Earl of Clarendon's opinion on this subject. He has himself signed the Treaty relative to Greece, the ratifications of which have only been exchanged with the Court of Athens. If one of the other Powers who signed it were to fail in performing its engagements, it would thereby give ground of complaint to the two others.

Count de Bernstorff remarks that the Treaty with Greece is a Treaty which contains a guarantee of that Kingdom by the three Powers.

The Earl of Clarendon cannot admit that reciprocal obligations have not been contracted by the Treaty of London.

Earl Russell then, in reply to the request of the Plenipotentiary of Russia, reads a proposal in these words:—

"We have now been assembled in Conference for some weeks. The last suspension of arms has only been concluded for the space of a fortnight, and it expires on the 26th of this month.

"But although the renewal of the war appears thus imminent, it cannot be said that we have made no approach to a restoration of peace. The proposals which I made

the sitting of the 28th of May, and which had been previously assented to by the neutral Powers, have been accepted by Denmark in nearly the same terms in which I proposed them to the Conference, and by the German belligerent Powers in principle. The Danish Plenipotentiaries in consenting to the cession of the Duchies of Holstein and Lauenburg, and to the division of Sleswig, ask that the line of demarcation should be traced to the south of Eckernforde, and to the south of the town of Sleswig, following the line of the Dannewirke to Friederickstadt. The Plenipotentiaries of the German belligerent Powers have proposed the adoption of a line of demarcation starting from Apenrade, and ending at Tondern and Hoyer. Thus the principal question in dispute has been reduced within limits which do not exclude the [redacted] of an understanding.

"So long as import[redacted]erests, and the honour of Germany and Denmark, appeared to be involved in the c[redacted]he proposal which was made by Lord Clarendon to the Congress of Paris in 185[redacted] was adhered to by Austria, France, Prussia, Russia, and Turkey, and which was [redacted]uently adopted by all the principal Powers of the world, expressing the wish that [redacted]etween which any serious misunderstanding should arise, should, before appealin[redacted]s, have recourse to the good offices of a friendly Power, did not seem inapplicab[redacted]

"But now that th[redacted]question in dispute has been reduced to the tracing a frontier some miles [redacted] to the north, when the two belligerent parties have brilliantly sustained t[redacted] their arms, and when the renewal of hostilities would produce a new series [redacted] disastrous to humanity, and unworthy of the civilization of our age, the Plenip[redacted]f Great Britain think it their bounden duty to propose to the belligerent Po[redacted] to Austria, to Prussia, and to Denmark, that a friendly Power should be app[redacted]rder that a line of frontier may be traced, which should neither pass to the [redacted]line indicated by Denmark, nor to the north of that designated by the G[redacted]otentiaries."

Baron de Brun[redacted]had the honour to represent His Majesty the Emperor of Russia at the Cong[redacted]s in the quality of second Plenipotentiary, confirms the assent which His Im[redacted]ty gave to the declaration proposed at that time by Lord Clarendon. He con[redacted]consequence that he is acting in conformity with His Majesty's intentions i[redacted] entirely agreeing with the proposal made in the same sense by Earl Russell. He wi[redacted] make it his duty to request the approval of his Court on the subject.

The Prince de la T[redacted]ur d'Auvergne says that, like the Ambassador of Russia, he has no special instructions with regard to the proposal which is submitted to the Conference; but that proposal is entirely in accordance with a principle of humanity proclaimed in the Congress of Paris, and subsequently admitted by most of the Powers of Europe; it is, moreover, so much in conformity with the spirit of conciliation and peace which has dictated all the proceedings of his Government that he does not hesitate to give it his entire adhesion.

Count Wachtmeister says that he also has no instructions on this point, but that he thinks that his Government will make their adhesion dependent on the acceptance of the proposal by the Danish Government.

Count Apponyi says that the Plenipotentiaries of the belligerent Powers are still more in want of instructions on this subject than the Plenipotentiaries of the neutral Powers. He hopes to receive these instructions before the next sitting. Until now the Cabinets of Vienna and Berlin have not had time to come to an agreement as to this new proposal.

Count de Bernstorff wishes to know what are the instructions of the Danish Plenipotentiaries on this subject, since he imagines that they were aware of the English proposal several days before him, and have referred it to Copenhagen.

M. de Quaade says that he is also without special instructions, but that he will not fail to bring the proposal to the knowledge of his Government.

Count de Bernstorff takes the proposal *ad referendum*. He asks by whom the mediating Power is to be selected.

Earl Russell replies that if the principle is admitted, it would be necessary to propose a Sovereign whose selection should be assented to by the belligerent parties.

Count Apponyi wishes to know whether, in the opinion of the English Plenipotentiaries, the field is open for the choice of that Sovereign. He observes that among the neutral Powers represented at the Conference, there is not a single one which has not already pronounced in favour of some particular line of frontier.

The Earl of Clarendon replies that the proposal is to appeal to a friendly Power before recommencing hostilities; and notwithstanding the ideas which such and such Plenipotentiaries may have expressed in the Conference, they must still count on the impartiality of the Sovereign who should accept the office of judge.

A discussion having arisen as to the exact sense to be given to the Declaration of Paris, the Earl of Clarendon quotes the text itself of the Protocol of Paris, in which it is said:—

"The Earl of Clarendon having demanded permission to lay before the Congress a proposition which it appears to him ought to be favourably received, states that the calamities of war are still too present to every mind not to make it desirable to seek out every expedient calculated to prevent their return; that a stipulation had been inserted in Article VII of the Treaty of Peace, recommending that in case of difference between the Porte and one or more of the other signing Powers, recourse should be had to the mediation of a friendly State before resorting to force.

"The first Plenipotentiary of Great Britain conceives that this happy innovation might receive a more general application, and thus become a barrier against conflicts which frequently only break forth because it is not always possible to enter into explanation and to come to an understanding.

"He proposes, therefore, to agree upon a resolution calculated to afford to the maintenance of peace that chance of duration hereafter, without prejudice, however, to the independence of Governments.

"Count Walewski declares himself authorized to support the idea expressed by the first Plenipotentiary of Great Britain; he gives the assurance that the Plenipotentiaries of France are wholly disposed to concur in the insertion in the Protocol of a wish which, being fully in accordance with the tendencies of our epoch, would not in any way fetter the free action of Governments.

"Count Buol would not hesitate to concur in the opinion of the Plenipotentiaries of Great Britain and of France, if the resolution of the Congress is to have the form indicated by Count Walewski, but he could not take, in the name of his Court, an absolute engagement calculated to limit the independence of the Austrian Cabinet.

"The Earl of Clarendon replies that each Power is and will be the sole judge of the requirements of its honour and of its interests; that it is by no means his intention to restrict the authority of the Governments, but only to afford them the opportunity of not having recourse to arms whenever differences may be adjusted by other means.

"Baron de Manteuffel gives the assurance that the King, his august Master, completely shares the ideas set forth by the Earl of Clarendon; that he therefore considers himself authorized to adhere to them, and to give them the utmost development which they admit of.

"Count Orloff, while admitting the wisdom of the proposal made to the Congress, considers that he must refer to his Court respecting it, before he expresses the opinion of the Plenipotentiaries of Russia."

The Earl of Clarendon considers that the cessation of hostilities has established a state of things similar to that which the Congress of Paris had in view, and that consequently the present circumstances are favourable to the application of the principle then established.

Count de Bernstorff expresses the opinion that the analogy is not complete. The declaration contemplates the breaking out of a new war, and not the continuation of a suspended one.

Earl Russell explains that the only task which the mediating Power would have to undertake would be that of tracing the frontier, and that the decision of that Power on that subject must be accepted by the belligerent Powers as final.

The Earl of Clarendon adds that the Powers would have to submit entirely on this point to the Sovereign to whom they might grant their confidence.

Count de Bernstorff says that it would be an arbitration, and not the mediation which was contemplated in the Declaration of Paris; and he expresses the opinion that an arbiter would require to be acquainted with the wishes of the population, and with the other details relating to the question, even more than the Conference.

Baron de Beust, confining himself to giving his personal opinion, expresses his regret that the proposal of Count de Bernstorff has not been more favourably received by the Conference. Its acceptance would have facilitated the adoption of Lord Russell's proposal. He thinks it right to warn the Conference that, if it is proposed to entrust the decision to an arbitrative judgment, this will be opposed on the part of the Confederation. He maintains what he said in the preceding sitting on the subject of the consent of the Confederation to a definitive arrangement, and particularly with regard to the wishes of the population.

M. de Krieger observes that his Government have already claimed, in the month of January last, the application of the principle of the Declaration of Paris, at a moment when the analogy of the circumstances was complete. The question of frontier not being

the only important point which remains to be settled, it would be difficult to separate it from the other questions. It would not be sufficient to arrange a single point while leaving the others on one side.

Baron de Brunnow observes that the intention of the Congress of Paris was to place an interval between war and peace. There now remain only eight days from the present time to the resumption of hostilities. This time is hardly sufficient for a reference to their Governments.

In reply to an observation of M. de Krieger, the Prince de la Tour d'Auvergne remarks that Denmark made her consent to a more prolonged suspension of arms dependent on the settlement of the question of the frontier.

Count Apponyi observes that the consequence of the acceptance of Lord Russell's proposal would be the possibility of concluding a long armistice.

The Earl of Clarendon remarks, on his part, that the Danish Plenipotentiaries made the resumption of hostilities solely dependent on the settlement of the line of frontier.

M. de Krieger denies that the Plenipotentiaries of Denmark ever admitted that the frontier was the only important point. As soon as the discussion is entered into, there would be several other questions to be considered.

M. de Biegeleben expresses the opinion that the acceptance of the proposal of the English Plenipotentiaries would imply the prolongation of the armistice.

M. de Krieger observes that in that case his Government would have conditions to make, especially with regard to the military occupation.

M. de Balan then reads the following declaration :—

"The Plenipotentiaries of Prussia have already noticed in a previous declaration that their Government, in consenting to a prolongation of the suspension of arms for a fortnight only, have imposed on themselves, in their desire to show themselves conciliatory to the last degree, sacrifices hardly compatible with their military and commercial interests. They have consequently declared that the renewal of hostilities on the 26th of June is inevitable unless by that time an acceptable peace is assured to them, or unless an armistice of prolonged duration is concluded on conditions which do not admit of arbitrary interpretation. They had hoped that the space of a fortnight, which they have not ceased to describe as too brief in the discussion of the sitting of the 6th of June, would at least be employed for the purpose of a more connected exchange of ideas in the Conference, in order, as far as possible, to reconcile divergent views, and in any case to throw more light on the situation. To their regret, after an interval of ten days, half the term assigned for the further duration of the suspension of arms has passed without the deliberations of the Conference having been resumed. The eventuality of an acceptable peace does not appear, notwithstanding the new English proposals which we have just heard, to be much less distant than a fortnight ago. In this situation we have received express orders at once to specify the conditions on which our Government will consent to an armistice. They demand that this armistice shall last six months, with a term of denunciation of one month. They are still ready to accept it on the basis proposed by the English Plenipotentiaries in the sitting of the 4th of May, supported at that time by all the Plenipotentiaries of the neutral Powers, accepted subsequently by the Plenipotentiaries of Prussia and Austria, but rejected by those of Denmark, who reverted to a simple suspension of arms which they had rejected in the preceding sitting, and which the German Governments have notwithstanding acceded to from an excess of conciliation. It need not be said that the belligerent Parties would engage not to increase their forces and not to strengthen their military positions in the countries which they occupy, during the armistice."

M. de Krieger thinks he may confine himself to observing that the difference between the conditions of a suspension of arms and those of an armistice must not be forgotten.

Count de Bernstorff says that the conditions in question are drawn up solely with a view to an armistice, which the Plenipotentiaries of Prussia are ready to accept as before.

M. de Biegeleben repeats that if the Plenipotentiaries of the belligerent Powers take the proposal *ad referendum*, the prolongation of the suspension of arms or an armistice for the space of at least two months, or with a previous denunciation of four weeks, ought to result from it.

M. de Krieger expresses his personal opinion that if it is possible to come to an agreement on the other conditions, the duration of the armistice should be at least nine months.

The Plenipotentiaries of Prussia profess themselves ready, in case this term is proposed, to take the proposal *ad referendum*.

It is understood that the Plenipotentiaries of the belligerent Powers shall ask for instructions from their respective Courts, by means of the telegraph, with regard to the proposal of the English Plenipotentiaries, and that the next sitting of the Conference shall take place on Wednesday, the 22nd of June, at 3 o'clock.

M. de Quaade requests permission to read the following declaration:—

"Although the Danish Government have had numerous reasons to complain of the state of things existing in Jutland since the suspension of arms, the Danish Plenipotentiaries have nevertheless abstained, as far as possible, from bringing the different subjects of complaint before the Conference. They have confined themselves to observing in general that the allied troops did not execute the arrangements agreed upon in a manner conformable to the interpretation which would most naturally be given to the tenour of those arrangements—a tenour proposed by the Austrian and Prussian Plenipotentiaries themselves. One single point has been more specially noticed, that of the payments in ready money, the Prussian Plenipotentiaries having asserted that everything had been paid for in money every Saturday from the beginning, whilst the information received by the Danish Plenipotentiaries is to the effect that during the whole of the month of May not a single payment in ready money has been made for the requisitions made in Jutland subsequent to the suspension of arms.

"The Memorial presented by the second Plenipotentiary of Prussia, in the preceding sitting, compels the Danish Plenipotentiaries to pronounce themselves in a more explicit manner, in so far as they have not already said what was necessary, and in so far as the information which is at their disposal allows them to do so. For this purpose, let them be allowed to lay down as a starting point the general principle according to which special questions should necessarily be judged.

"The express tenour of the provisions of the suspension of arms of the 9th of May last, does not admit in a legal point of view, that the state of things in the portions of Jutland which are occupied should be regarded as if there was simply a momentary interruption of the state of war. It is stipulated in a formal manner and in terms chosen by the Plenipotentiaries of the German Powers themselves, that, as an equivalent for the simultaneous raising of the blockade of the Prussian ports, neither the commerce, nor the communications, nor the regular course of the administration shall be impeded in Jutland. Now this provision excludes in the most positive manner the exceptional state of a subordination of the regular authorities of the country to the military power, and military reasons alone are not sufficient therefore to justify deeds not in conformity with the general principle established by the suspension of arms. The Conference will remember that this principle had a certain influence on the decision of the Danish Government to raise the blockade.

"In presence of this same principle it has been difficult for the Danish Plenipotentiaries to understand that it was only the internal communication in the districts occupied which was not to be impeded, and they have no less difficulty in understanding how it is possible to justify the obstacles placed in the way of free navigation in the ports of Jutland, the order not to leave these ports during the night, the order given to ships to stop in order to be visited by military posts *ad hoc*, &c.

"The Danish Plenipotentiaries must consider it a manifest infraction of the engagement not to interfere with the regular course of the administration, that, contrary to the laws of the country, a censure of the public newspapers has been introduced, and that the inhabitants and public officials of the country are arbitrarily subjected to military law and justice. It is, in their opinion, no less incompatible with the principles of the arrangement agreed on, that Jutland conscripts should be forbidden to join their regiments. To prevent one of these conscripts from leaving the country voluntarily and as a simple traveller, his father has been threatened with imprisonment, and domiciliary investigations have been made in the house of a public official in order to ascertain from his papers if by chance any one else wished to leave with the same object.

"In order to avoid conflicts as far as possible, the Danish Government have abstained from levying recruits in Jutland; but notwithstanding that, whoever wishes of his own accord to leave the country has the right to do so, whatever may be the object of his journey.

"The Danish Plenipotentiaries must also consider it as contrary to the engagements taken that the Prussian authorities should have forbidden the use of the Dannebrog, and have even lowered by force the flag of a public edifice, where it serves as a Customs flag to show, in conformity with the administrative regulations of the country, whether there are any obstacles to the navigation.

"It was, doubtless, very difficult to prevent the state of affairs created by the suspension of arms giving rise to collisions. On the part of the Danish Government nothing has been neglected to prevent these collisions, which are doubly disagreeable to them; but the line of conduct observed by the allied troops in cases of divergence of opinion does not seem to them to be in conformity with the proceedings which they thought themselves justly entitled to expect on the part of the stronger party. In their opinion the most

natural course for the military authorities to follow when they thought they had reason to complain of the subjects of the King, would have been to address themselves to the higher authorities of the country, and particularly to the Royal-Commissioner, who was ready at once to repress any real contraventions, and in doubtful cases to bring about an amicable settlement. Instead of taking this course they have taken the law into their own hands in the most arbitrary manner. One public official after another has been imprisoned on the most futile pretexts, and threats of every kind have been made use of. Thus the officials in the districts where the telegraphic wires have been damaged are threatened with a prosecution according to military law, whether these officials could or could not prevent this misdemeanour, and notwithstanding that the telegraphic wire is just as likely to have been cut by soldiers belonging to the army of occupation.

"It cannot be said that this is a simple menace. No one is sure of what may happen when an officer of the Excise, nearly seventy years of age, has been put on bread and water for not having given up a guarantee deposited as security for duties, the regular levy of which the laws of the country made it his duty to look after."

M. de Balan says that naturally he will bring to the knowledge of his Government the declaration which M. de Quaade has just read. But he adds that even if they succeeded in explaining some contradictory assertions, and in preventing some misunderstandings, experience has nevertheless shown that the co-existence of German military authorities and of Danish civil authorities in the countries which remain in a state of military occupation cannot be prolonged, and that consequently his Government will not consent to it.

Count de Bernstorff is surprised that the Danish Plenipotentiaries have not received different information showing that payments have been made in money, since he is positively certain that such payments have taken place. The requisitions of which the Danish declaration speaks cannot, moreover, relate to anything but conveyances, since all the provisions of the troops are furnished by the Military Intendance, which receives them from Hamburgh.

The Earl of Clarendon, referring to Earl Russell's proposal, thinks it would be useful, since it has been taken *ad referendum*, to particularize its sense in order to prevent any subsequent misunderstanding. He does not admit M. de Krieger's interpretation that the Declaration of the Congress of Paris is not applicable, unless an appeal is also to be made to the mediating Power with regard to all the questions in dispute. It is merely the disputed territory on the frontier which are in question. The intention of the English Plenipotentiary and the French is that this question of the territory between the two lines indicated by the Plenipotentiaries is to propose to the arbitration of a friendly Power, the belligerent Powers concerned should be submitted to as final. This is the proposal, and time has become precious engaging to accept its decision, resumption of hostilities in case it is not accepted.

in view of the approaching following declaration:—

M. de Balan read the [illegible]ic information, the captain of a Danish ship, named Hammer,

"According to authen[illegible] six notables of the Island of Sylt, and has taken them to has seized the persons o[illegible] of Keitum, on the Island of Sylt, is declared to be in a state Copenhagen. The town

of siege. [illegible]aries of Prussia are charged to bring this act of violence to the

"The Plenipotenti[illegible]rence, and to declare that whilst on the one hand it proves to what knowledge of the Conf[illegible]bliged to have recourse to maintain her rule in the Frisian Islands, measures Denmark is [illegible]ust inevitably give rise to reprisals."

on the other hand it m[illegible]fines himself to observing that His Majesty the King of Denmark

M. de Quaade co[illegible]the Frisian Islands as for example in the Island of Sealand; and has the same rights in[illegible] the facts in question are not yet confirmed.

M. de Krieger adds that moreove[illegible]akes a declaration to the Conference respecting the

Count de Bernstorff then m[illegible]k, in the following terms:—

blockades established or to be established by Denmark

"In conformity with the communications which the Prussian Government have on several occasions addressed to the Cabinets of the neutral Powers on the subject of the illegality of the Danish blockades, we are instructed to observe that if the Danish Government, in renewing the blockade of the ports of Pomerania, do not strictly observe the provision of the Declaration of Paris of April 16, 1856, concerning the effectiveness of blockades, and if consequently one of the provisions of this great international Act is again ignored with impunity, or even with the tacit assent of the other signatary Powers, by a belligerent Power, the other Articles of the said Declaration naturally lose their validity also, and the Government of His Majesty the King of Prussia can no longer regard themselves as bound to respect them with regard to Denmark."

M. de Bille cannot admit that any violation by Denmark of the provisions of the Declaration of the Congress of Paris respecting maritime law has taken place.

Baron de Brunnow regards the declaration of Count de Bernstorff as being of a nature

to merit the most serious consideration. It would be a grave matter if it really entered into the intentions of Prussia to re-establish privateering. The security of navigation in the North would be thereby disturbed. The other Powers would find themselves at once compelled to provide for the protection of their commerce.

Count de Bernstorff observes that privateering is not named in his declaration, and that, in general, it is merely said that if Denmark did not observe one of the Articles of an international Act with regard to Prussia, the latter would not consider herself as bound by the other Articles of the same Act with regard to Denmark. He inquires, moreover, if the blockades do not injure navigation.

Baron de Beust begs to make an observation. The stipulations of the Congress of Paris were made with the object of mitigating the hardships and the calamities resulting from a maritime war for commerce and navigation. It is for this reason that it was stipulated that blockades to be binding must be effective. If a blockade is established in contravention of this condition, the Prussian Government would be in its right in having recourse to reprisals.

Baron de Brunnow asks if Prussia can constitute herself judge and party in her own cause.

The Prince de la Tour d'Auvergne says that is extremely difficult to ascertain the non-effectiveness of a blockade. Prussia has a right to furnish proofs on this subject, but this is a question which does not seem to be within the province of the Conference, and on the subject of which the Prussian Government have, no doubt, already made communications to the Powers represented in the Conference.

Count de Bernstorff replies that communications have, in fact, been addressed on this subject to the Courts of England, France, and Russia; but that, as far as he knows, Russia alone has hitherto replied.

Count Wachtmeister recognizes the diffi[illegible]scertaining if a blockade is effective. The best means, in his opinion, would be to s[illegible]ls of[illegible]r to the spot, and to trust to the reports of their commanders.

The Earl of Clarendon observes that it does not b[illegible]e blockaded country to decide on the effectiveness of the blockade. That is a ques[illegible] for the other countries. And even supposing that this stipulation had not been executed, [illegible]n the other stipulations respecting maritime law adopted by the Congress of Paris be regarded as annulled by that fact?

Count de Bernstorff maintains that Denmark has declared an illegal blockade, and that this fact has been proved.

M. de Krieger affirms that, on the contrary, the blockade has been effective, and that in any case it is not in the Conference that the discussion on this point should take place.

The Earl of Clarendon thinks that the contributions levied in Jutland prove that the blockade has not been ineffective. He regards the declaration of Count de Bernstorff as showing a complete indifference for international law. A country can hardly complain that is not sufficiently blockaded, and have recourse to reprisals on that account.

Count de Bernstorff sees, on the contrary, in the declaration of his Government a proof that they expect that international law shall be respected by all the world.

Baron de Brunnow, after having read the Protocol of Paris of the 16th April, 1856, points out to the Conference the positive terms in which the Cabinets have laid down: 1. That "privateering is and remains abolished." He maintains, in concert with the Earl of Clarendon, that privateering cannot be re-established without the consent of the other Powers. A single one of them cannot consider itself released from its engagements by the fact that it does not consider a blockade established to its prejudice as effective. These maritime questions are based on certain principles which it would be very serious to call in question.

M. de Balan maintains that if the protests addressed to the other Powers with regard to the ineffectiveness of the blockade remain unanswered, Prussia has the right to consider herself released from the other stipulations of the Declaration of Paris as regards Denmark.

Baron de Brunnow announces that he will be obliged to call the serious attention of his Government to this incident. In his opinion every letter of marque would multiply the risks to which merchant navigation might be exposed in the Baltic, and the riverain Powers would be called upon to consult as to the interests of their commerce.

Count Wachtmeister speaks in the same sense, and adds that in his opinion the neutral Powers are the best judges both of the effectiveness of a blockade and of the measures which they may think it expedient to take in consequence.

The Earl of Clarendon also regards the declaration as very serious. He does not

understand how a Power, with no other authority than its own pleasure, can say, "The blockade is not effective, I shall issue letters of marque."

M. de Balan observes that this is not contained in the declaration of his Government.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Protocole No. 11.—*Séance du* 22 *Juin*, 1864.

Présents:

MM. les Plénipotentiaires de l'Autriche;
MM. les Plénipotentiaires du Danemark;
M. le Plénipotentiaire de la France;
M. le Plénipotentiaire de la Confédération Germanique;
MM. les Plénipotentiaires de la Grande Bretagne;
MM. les Plénipotentiaires de la Prusse;
M. le Plénipotentiaire de Russie; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte de Clarendon, se référant à une observation par laquelle M. le Comte de Bernstorff avait dit dans la dernière séance qu'il ne connaissait que deux Traités dont les ratifications n'ont été échangées qu'avec une seule Puissance par les Puissances co-signataires, présente à la Conférence une liste de vingt-et-un Traités qui ont été tous conclus par la Grande Bretagne depuis 1837, et dont les ratifications n'ont été échangées par elle qu'avec une seule des autres Parties Contractantes. Sur sa demande, cette liste se trouve annexée au présent Protocole.

M. le Comte de Bernstorff rappelle qu'il s'était borné à dire, dans l'observation dont il est question, qu'il n'y avait que deux Traités analogues, "autant qu'il le savait," et qu'il n'a eu nullement l'intention d'affirmer qu'il n'existait pas d'autres.

M. le Comte Russell ayant demandé à M. le Comte Apponyi s'il avait reçu la réponse qu'il attendait de son Gouvernement au sujet de la proposition faite aux Puissances belligérantes de s'en référer à une Puissance amie pour le tracé d'une ligne de frontière, M. le premier Plénipotentiaire de l'Autriche cède la parole à M. le Comte de Bernstorff, qui après avoir exprimé le désir qu'avant d'entamer la discussion, sa réponse fût suivie par celle de MM. les Plénipotentiaires du Danemark, fait la déclaration suivante au nom des deux Cours alliées:—

"Les Plénipotentiaires des deux Puissances Allemandes ont rendu compte à leurs Gouvernements de la proposition que MM. les Plénipotentiaires de la Grande Bretagne ont faite dans la dernière séance aux Puissances belligérantes, à savoir, de faire, conformément au vœu exprimé par les Puissances représentées au Congrès de Paris, dans la séance du 14 Avril, 1856, appel à une Puissance amie, afin qu'une ligne de frontière soit tracée qui ne passerait ni au sud de la ligne indiquée par le Danemark, ni au nord de celle désignée par les Plénipotentiaires Allemands.

"Nous sommes maintenant autorisés à déclarer, au nom de l'Autriche et de la Prusse, qu'elles sont prêtes à accepter la médiation d'une Puissance neutre, qui n'est pas représentée dans la Conférence, et ne s'est, en conséquence, pas encore prononcée dans la question, à la condition toutefois que leurs propositions pour l'armistice seront acceptées. Elles ne pourront cependant s'engager d'avance à se regarder comme définitivement liées par l'opinion à émettre par la Puissance Médiatrice, puisque les circonstances ne leur permettent pas d'accepter une décision arbitrale. Un arbitrage ne serait, du reste, ni conforme à la Déclaration de Paris, qui n'a en vue qu'un recours aux bons offices d'une Puissance amie, ni ne répondrait aux termes mêmes de la proposition Anglaise."

M. de Quaade donne lecture alors de la déclaration suivante :—

"A la séance du 18 Juin, M. le Comte Russell, en se référant plus spécialement au Protocole signé le 14 Avril, 1856, au Congrès de Paris, a proposé aux Puissances belligérantes représentées ici de faire appel à une Puissance amie, afin qu'une ligne de frontière soit tracée dans le Duché de Slesvig, laquelle ligne ne passerait pas au sud de celle placée par le Danemark au sud des villes d'Eckernforde et de Slesvig, et suivant la ligne du Dannevirke jusqu'à Friederichstadt, ni au nord de celle placée par MM. les Plénipotentiaires Autrichiens et Prussiens au sud de la ville d'Apenrade et finissant à Tonder et Hoyer.

"Cette proposition est basée sur la pensée que le Danemark aurait consenti au principe général d'un partage du Slesvig, de manière qu'il ne s'agirait que de la ligne de démarcation à tracer, auquel cas il importerait peu que cette ligne fût placée quelques lieues plus au nord ou plus au midi.

"Le Gouvernement Danois regrette sincèrement que, bien contre son attente, le Gouvernement de Sa Majesté Britannique ait voulu à ce point abandonner sa propre proposition du 28 Mai dernier, qui demandait déjà de si grands sacrifices au Danemark, et dont nous avions lieu de croire que le Gouvernement Anglais ne s'écarterait pas pour nous proposer des sacrifices encore plus considérables.

"Le Gouvernement Danois comprend la proposition du 28 Mai comme consistant dans une série de dispositions intimement liées les unes aux autres et chacune d'une importance essentielle ; et c'est précisément en considération de la connexité entre ces dispositions que le Danemark a pu adhérer à la proposition même.

"Le Gouvernement Danois ne saurait donc admettre que la question de la frontière se prête particulièrement à être traitée d'une autre manière que les autres points indispensables pour une solution définitive ; et il lui est également impossible de reconnaître qu'il n'y ait pas une différence réelle et principielle, mais seulement la différence d'un peu plus ou d'un peu moins de territoire entre la ligne voulue par la proposition du 28 Mai, et celle qui résulterait éventuellement de la proposition faite le 18 Juin. Il y a évidemment une différence de principe très essentielle entre les deux propositions.

"La première, tout en abandonnant l'ancienne [illegible] entre le Danemark et l'Allemagne, tient pourtant compte des considérations stratégiques et commerciales qui ne semblent pas devoir être perdues de vue lorsqu'il s'agit de fixer la frontière d'un Etat : elle fait droit notamment aux conditions morales essentiellement nécessaires pour l'administration des territoires dont la cession n'est pas demandée au Roi de Danemark.

"Mais quant à la proposition du 18 Juin, le Gouvernement Danois y a en vain cherché un véritable principe. La partie la plus méridionale et la partie la plus septentrionale du Duché de Slesvig sont d'abord détachées de ce pays par deux lignes de démarcation, et ces lignes, où sont-elles placées ?

"Le fait que les Plénipotentiaires Danois ont adhéré à la proposition du 28 Mai en des termes presque identiques avec ceux de cette proposition, tandis que MM. les Plénipotentiaires Allemands ont proposé une ligne de démarcation qui s'écarte autant que possible de la ligne Anglaise, ce fait est maintenant tourné contre le Danemark. La proposition du 18 Juin prend les deux lignes Danoise et Austro-Prussienne, en laissant à un arbitrage de disposer de tout le territoire situé entre les deux lignes choisies, c'est-à-dire, de la partie la plus considérable du Duché de Slesvig, cette dépendance séculaire de la Couronne Danoise, sans qu'aucun principe n'ait été indiqué par lequel l'arbitre se laisserait guider.

"A une époque où l'objet en litige était encore intact, lorsque les Puissances Allemandes soutenaient que le Roi de Danemark avait lésé des engagements pris : à cette époque le Gouvernement Danois, convaincu de n'avoir jamais voulu que ce qui était juste, et se rappelant son adhésion au principe établi par la Déclaration de Paris de l'année 1856, exprima le désir d'un examen et d'une solution de la question en litige d'une manière conforme à l'esprit de ce principe ; mais d'après tout ce qui s'est passé dans la suite, il ne voit pas que le principe du Protocole de Paris puisse être allégué en faveur de la proposition faite en dernier lieu par le Gouvernement Anglais ; et dans ces circonstances il se trouve à son vif regret dans l'impossibilité de donner son assentiment à cette proposition."

M. le Comte Russell exprime le vif regret qu'il éprouve en entendant les réponses de MM. les Plénipotentiaires des Puissances belligérantes.

M. le Comte de Bernstorff n'admet pas que les Puissances Allemandes aient rejeté la proposition Anglaise, mais tient à constater qu'elles l'ont acceptée dans le sens de la Déclaration de Paris.

M. le Comte de Clarendon, comme auteur de la Déclaration du Congrès de Paris dont il a été question, tient à établir que l'expression "bons offices" qu'il a employée

est une expression générale qui n'exclut ni la médiation ni l'arbitrage, et que par conséquent la proposition de M. le Comte Russell ne pose aucun principe contraire à cette Déclaration.

M. de Balan ne regarde pas la Déclaration de Paris comme ayant une portée aussi étendue. Ayant eu l'honneur de prendre les ordres de Sa Majesté le Roi de Prusse à ce sujet dans le temps, il croit se rappeler que l'on s'est servi des expressions "vœu" et "bons offices," parcequ'il n'y avait pas moyen de convenir de termes plus précis.

M. le Comte de Clarendon soutient que le terme "bons offices" a été employé dans le but de comprendre toute espèce de médiation, et de n'en exclure aucune.

M. le Baron de Beust s'exprime ainsi qu'il suit:—

"Les restrictions que MM. les Plénipotentiaires de l'Autriche et de la Prusse ont apportées dans leur acceptation de la proposition Anglaise tiennent essentiellement à la nature de la question qui est discutée. Elles me dispensent de faire la réserve qu'autrement j'aurais été obligé de faire. Mais je crois de mon devoir de dire quelques mots pour justifier ces mêmes restrictions.

"Pour ma part, je regrette sincèrement de ne pas me trouver à même d'appuyer sans réserve une proposition que je reconnais parfaitement avoir le but salutaire de faire aboutir les travaux de la Conférence et d'empêcher la reprise des hostilités. La Confédération en réclamant le Slesvig pour le Duc de Holstein n'obéit point, comme on semblerait le croire, à un sentiment de convoitise. Les Gouvernements Allemands réunis à la Diète se mettraient en opposition avec leurs principes et leurs antécédents, s'ils avaient la conscience de dépouiller un Souverain étranger d'un territoire qui lui appartient. Telle n'est pas leur pensée, et tel n'est pas le véritable état de la question. *Il s'agit d'une question de droit; il s'agit de faire valoir des titres* que la Confédération est appelée à protéger. J'ai pu m'abstenir de chercher, dès le début de la Conférence, à lui imposer ce point de vue, pensant que ce ne serait pas le moyen de faciliter une entente avec des Puissances qui se trouvent placées dans des conditions différentes; mais je crois n'avoir jamais laissé subsister à ce sujet le moindre doute. La seule transaction qui me semble possible, [illegible]liquée. Si elle était franchement acceptée, l'intervention appelée de commun[illegible]ne Puissance amie pourrait certainement contribuer à en faciliter l'exécution et à en consolider le résultat. C'est aussi dans ces limites qu'une application du Traité de Paris serait mieux indiquée qu'elle ne saurait l'être à titre de jugement arbitral sans appel. Mais que dans une question de droit nullement douteuse pour elle, la Confédération puisse se soumettre à la décision d'un tiers dont l'impartialité la plus parfaite ne saurait constituer un titre suffisant pour la résoudre, que l'Allemagne consente à faire dépendre de cette même décision le sort des populations placées aujourd'hui sous la protection de ses armes, c'est ce qu'on ne se refusera pas à reconnaître impossible."

M. le Comte de Bernstorff soutient que l'Autriche et la Prusse ont accepté la proposition Anglaise dans les termes mêmes dans lesquels elle a été faite.

MM. les Plénipotentiaires de la Grande Bretagne contestent cette assertion, et citent leurs paroles rapportées dans le Protocole précédent pour prouver qu'afin d'éviter tout malentendu ils ont bien expliqué qu'il s'agissait d'un arbitrage qui devait être final sur la question de la frontière.

MM. les Plénipotentiaires de la Prusse disent qu'ils n'ont parlé que de la proposition même, et non pas des explications dont elle a été accompagnée. Ils maintiennent que MM. les Plénipotentiaires du Danemark ont rejeté positivement la proposition, tandis que l'Autriche et la Prusse l'ont acceptée dans le sens d'une médiation.

M. de Krieger ne saurait reconnaître l'acceptation, ainsi modifiée, comme répondant à la proposition Anglaise. Il fait observer que la médiation existe déjà dans la Conférence.

M. le Comte Russell constate, et il le fait avec regret, que sa proposition a été rejetée par le Danemark, et qu'elle n'a pas été acceptée par les Puissances alliées. Quant à la réponse des Puissances Allemandes belligérantes, il lui paraît évident qu'après deux ou trois mois de travaux inutiles, la décision du Souverain Médiateur serait mise de côté dans le cas où une proportion tant soit petite des habitants d'un district en fût mécontente.

M. le Prince de la Tour d'Auvergne annonce que toutes les combinaisons qui ont été mises en avant pour arriver à un accord sur le tracé de la frontière ayant été malheureusement écartées, il croit devoir soumettre à la Conférence une nouvelle suggestion. Il s'exprime ainsi:—

"Lorsque le Gouvernement de l'Empereur a donné son adhésion au projet de transaction mis en avant par le Principal Secrétaire d'Etat de Sa Majesté Britannique, dans la séance du 28 Mai, il espérait que les efforts réunis des Plénipotentiaires des Puissances

neutres, secondés par les dispositions conciliantes des Plénipotentiaires des Puissances belligérantes, parviendraient à amener, entre les parties intéressées, une entente sur le tracé de la ligne de frontière.

"Ces espérances ne se sont malheureusement pas réalisées. Toutes les combinaisons proposées ont été repoussées, et aucun compromis ne semble jusqu'ici avoir chance d'être accepté. Dans cette situation, le Gouvernement de l'Empereur considère comme de son devoir de faire, dans l'intérêt de la paix, une dernière suggestion. C'est en vertu de leur nationalité que les districts septentrionaux du Slesvig doivent être attribués au Danemark et ceux du sud à l'Allemagne. On n'a pas jugé utile de faire un appel au vœu des populations là où ce vœu semblait manifeste; mais on pourrait le consulter là où il est douteux et où aucun autre moyen n'existerait plus pour établir un accord. Tout en admettant l'impossibilité de prendre la nationalité pour règle absolue, dans le partage des districts mixtes du Slesvig, le Gouvernement de l'Empereur est d'avis, cependant, que l'on devrait demander à un vote des communes les éléments d'appréciation auxquels on conviendrait de s'en rapporter. Ce vote par communes permettrait de tenir, dans le tracé définitif de la frontière, le compte le plus exact possible de chaque nationalité.

"Pour qu'il présentât d'ailleurs les garanties désirables, il serait utile d'établir que toute force militaire serait préalablement éloignée, et que les suffrages seraient exprimés en dehors de toute pression. Chaque Puissance pourrait, en outre, envoyer des délégués sur les lieux afin de constater la parfaite sincérité du scrutin."

M. le Comte de Bernstorff dit qu'il ne voit pas d'objection à prendre *ad referendum* la proposition que M. le Prince de la Tour d'Auvergne vient de soumettre à la Conférence, puisqu'elle part à-peu-près du même point de vue que la dernière proposition de son Gouvernement. Il rappelle cependant qu'il y aurait toujours la question de l'armistice à régler.

En réponse à une observation de M. le Comte de Bernstorff, M. le Prince de la Tour d'Auvergne dit que les districts à consulter devraient être, suivant lui, ceux qui se trouvent situés entre la ligne de frontière proposée au nord par MM. les Plénipotentiaires de l'Autriche et de la Prusse, et la ligne indiquée au sud par MM. les Plénipotentiaires Danois.

M. le Comte Apponyi, en se référant aux réserves qu'il a faites dans les séances précédentes, dit que d'après ses instructions il ne se croit pas autorisé à adhérer à la proposition qui vient d'être faite.

M. le Baron de Beust serait prêt à reconnaître dans la proposition de M. le Prince de la Tour d'Auvergne un moyen de rapprochement. Il croit que l'occupation militaire n'y serait pas un obstacle, et qu'il serait facile de donner aux populations toute liberté de se prononcer, sans aucune contrainte. Répondant à M. le Plénipotentiaire de France, qui lui demande s'il entend par là la retraite des troupes Allemandes pendant la consultation, il dit que dans sa pensée personnelle il la juge possible, aussi bien que des mesures qui, sans entraver la marche de l'administration, garantiraient l'exercice parfaitement indépendant du vote.

M. le Comte Russell, en demandant l'opinion de MM. les Plénipotentiaires Danois sur la proposition, dit que quant aux Plénipotentiaires Anglais, ils seraient tout disposés à s'y rallier, si le Gouvernement Danois croyait pouvoir y donner son adhésion.

M. de Quaade répond qu'il se trouve naturellement sans instructions spéciales à ce sujet, et qu'il ne saurait consentir à la prendre même *ad referendum*. Il rappelle sa déclaration du 2 Juin, dans laquelle il a dit que son Gouvernement ferait de grands sacrifices pour arriver au rétablissement de la paix, mais qu'il y avait des limites qu'il ne pouvait dépasser; et les instructions dont il est muni lui défendent de consentir à aucune autre ligne qu'à celle proposée par MM. les Plénipotentiaires Anglais dans la séance du 28 Mai, et acceptée par le Danemark.

M. de Krieger, tout en s'associant à la réponse de M. de Quaade, se réfère à la discussion qui a eu lieu à la dernière séance au sujet de la proposition de M. le Comte de Bernstorff de consulter les populations du Slesvig, et surtout à ce qui a été dit à cet égard par M. le Baron de Brunnow.

M. le Comte de Clarendon croit qu'il sera utile de résumer ce qui s'est passé au sujet de la ligne de frontière dite Anglaise, puisque M. de Quaade a parlé des grands sacrifices que faisait le Danemark en l'adoptant, et a même reproché au Gouvernement Anglais de s'en être maintenant écarté. Il devient donc nécessaire de constater formellement comment et pourquoi cette ligne a été proposée. Lors de la réunion de la Conférence, il paraissait être dans l'intérêt général de s'en tenir au Traité de Londres qui avait été signé par les Grandes Puissances ayant chacune des Représentants dans la Conférence, et dont la rupture pouvait amener des conséquences très sérieuses. Quand on a trouvé plus tard qu'il n'y avait pas moyen de s'entendre sur le Traité, on est

convenu sur la nécessité de ne pas l'abandonner sans avoir préalablement trouvé les moyens de le remplacer par les bases d'une paix solide et durable, et conforme aux sentiments des populations intéressées. C'est alors que M. le Comte Russell a dû se concerter avec MM. les Plénipotentiaires des autres Puissances neutres sur la question de tracer une ligne de frontière. Ces Plénipotentiaires sont tous tombés d'accord sur une ligne qui leur a semblé réunir mieux que toute autre les avantages désirés pour le Danemark. Elle a été proposée par Lord Russell en sa qualité de Président de la Conférence, comme le résultat de l'entente préalable qui s'était établie entre les Représentants des Puissances neutres. Ce n'est donc pas une proposition exclusivement Anglaise, mais celle que MM. les Plénipotentiaires des Puissances neutres ont choisie comme leur paraissant la plus apte à remplacer le Traité. Ce serait inutile, continue Lord Clarendon, de récapituler tous les obstacles que la proposition a recontrés de la part des Puissances belligérantes. Il suffit de dire que dans l'intérêt de la paix aussi bien que dans celui du Danemark, il a fallu chercher un autre moyen de concilier les intérêts, en ne perdant pas de vue le principe de nationalité. La ligne dont il est question avait été proposée dans un but commun, dans un intérêt Européen, et non pas dans l'intention de poser un principe dont on ne pourrait se départir. Il s'étonne donc du reproche qui vient d'être adressé au Gouvernement Anglais par MM. les Plénipotentiaires Danois, de ne pas s'être tenu à cette ligne.

C'est dans l'intérêt de toutes les Puissances neutres représentées dans la Conférence que Lord Clarendon tient à constater comment les faits se sont passés.

M. le Baron de Brunnow s'est exprimé alors en ces termes :—

"Dans la séance précedente, MM. les Plénipotentiaires de la Prusse ont proposé de consulter les vœux des habitants du Slesvig sur les dispositions à adopter à leur égard.

"Conformément aux instructions de ma Cour, j'ai eu l'honneur d'exposer à la Conférence les raisons qui ne me permettaient point de m'associer à ce plan.

"Les mêmes considérations s'appliquent aussi au réglement du sort des districts mixtes. A mon avis, la possession de ces districts doit demeurer acquise à Sa Majesté le Roi de Danemark, comme équivalent de l'abandon que ce Souverain serait prêt à faire du Lauenbourg.

"A l'appui de cette vérité, je me permettrai de rappeler à la Conférence les paroles que M. le Plénipotentiaire de France a prononcées dans la séance du 28 Mai.

"M. le Prince de la Tour d'Auvergne a dit :—'Quant aux districts mixtes du centre, de quelque manière que l'on décide de leur sort, il y aura toujours là des Danois soumis à un pays Allemand, ou des Allemands soumis au Danemark. Devant l'impossibilité absolue de prendre, sur ce point, la nationalité pour règle, nous pensons qu'il serait juste de trancher le différend en faveur de la plus faible des Parties, surtout quand elle subit déjà les sacrifices que cette règle lui impose sur tous les points où elle est manifestement contre elle. Mon Gouvernement considère également comme essentiel que la frontière soit tracée conformément aux nécessités de la défense du Danemark, car ces nécessités doivent être prises en considération par la Conférence, dont la mission est, en donnant satisfaction aux légitimes réclamations de l'Allemagne, de veiller à ce que les arrangements nouveaux garantissent suffisamment l'indépendance du Danemark et les intérêts de l'équilibre Européen dans le Nord.' "

Après avoir donné lecture de ce passage du Protocole No. 6 du 28 Mai, M. le Plénipotentiaire de Russie a repris :—

"Je me suis fait un devoir de rappeler ces paroles à la Conférence, parcequ'elles servent à préciser avec une parfaite vérité le caractère de la mission de haute équité, de conciliation et de paix, que nous avons été appelés à remplir.

"Il me reste une dernière observation à faire. Elle se rapporte à une déclaration que MM. les Plénipotentiaires du Danemark ont été chargés d'émettre dans la séance du 2 Juin. Ils ont annoncé alors que le Gouvernement de Sa Majesté le Roi entend que le sort futur des provinces qui seraient éventuellement cédées, ne soit pas réglé sans leur consentement.

"Je dois indiquer le point de vue sous lequel cette éventualité se présente à mes yeux, conformément aux instructions dont je suis muni.

"Dans l'opinion du Cabinet Impérial, comme je l'ai dit, il appartient à Sa Majesté le Roi Chrétien IX de se prononcer le premier, sur ce qui convient aux intérêts de son pays. Si le Roi de Danemark, en vue d'assurer l'indépendance et le repos de ses peuples, se décide à faire une cession de territoires, il en est incontestablement le maître, en vertu de ses droits de souveraineté. Il est également libre d'attacher une condition aux sacrifices qu'il a résolu de faire.

"D'après cela, si cet auguste Souverain veut que la destinée des territoires cédés ne soit pas réglée sans leur consentement, il est dans son droit.

"Tout en respectant à cet égard la plénitude de la prérogative Royale de Sa Majesté Danoise, je dois rappeler que le plan de la transaction proposée le 28 Mai par MM. les Plénipotentiaires de la Grande Bretagne a expressément établi que la question du consentement des Duchés ne ferait pas l'objet du Traité de Paix.

"Ce plan a obtenu l'adhésion du Cabinet Impérial. En conséquence, je dois me maintenir strictement sur la ligne que les ordres de ma Cour me prescrivent quant à l'exécution de ce plan."

M. le Plénipotentiaire de Russie a terminé cet exposé en demandant à faire insérer au Protocole la réserve qu'il vient d'établir au nom de sa Cour.

Se référant ensuite aux observations de M. le Comte de Clarendon, M. le Baron de Brunnow déclare qu'il s'y associe entièrement. La Cour de Russie, en accordant son assentiment cordial au plan proposé par M. le Comte Russell le 28 Mai, a sincèrement apprécié les motifs qui ont déterminé le Gouvernement de Sa Majesté Britannique à indiquer une ligne de délimitation destinée à concilier les divers intérêts qu'il importait de ménager, en vue du rétablissement de la paix. Cette intention a été reconnue et unanimement approuveé par tous les Plénipotentiaires des Puissances neutres.

En conclusion, M. le Baron de Brunnow constate que Lord Russell n'a jamais eu la pensée de proposer cette ligne comme un ultimatum, ni de l'imposer comme tel aux Puissances belligérantes.

M. le Comte de Bernstorff déclare que les Plénipotentiaires des Puissances Allemandes ont toujours compris la proposition de MM. les Plénipotentiaires de la Grande Bretagne dans le sens des explications qu'ils viennent d'entendre, et non pas dans celui d'un ultimatum.

M. le Prince de la Tour d'Auvergne rappe[illegible] s'était associé également à la proposition de MM. les Plénipotentiaires de la Gr[illegible]tagne, parcequ'elle avait été jugée par son Gouvernement comme parfaitemen[illegible]ble; mais qu'en donnant son adhésion à cette proposition, il n'a pas entendu alié[illegible]ns du monde le droit des Puissances neutres de mettre en avant toute autre c[illegible]aison, si celle-ci se trouvait écartée, dans le but d'arriver à une transaction.

M. le Comte Wachtmeister dit qu'il croit pouvo[illegible]rer aux déclarations qu'il a faites dans la séance du 28 Mai, et dans plusieurs séances suivantes, sur l'adhésion donnée par son Gouvernement à la proposition faite par M. le Comte Russell. "Nous avons toujours cru," dit-il, "que la ligne de la Slei était la dernière limite au nord, à laquelle Sa Majesté le Roi de Danemark pourrait consentir, et que la partie du district mixte et Allemand qui se trouve au nord de cette limite serait acquise au Danemark, en échange du Duché de Lauenbourg auquel Sa Majesté le Roi de Danemark serait disposé à renoncer."

M. de Biegeleben en se référant à une observation de M. le Krieger, qui avait dit que la médiation existe déjà dans la Conférence, fait ressortir la différence qui existe entre une pareille médiation et celle exercée par l'initiative d'un Souverain neutre qui n'est pas représenté dans la Conférence, et demande si MM. les Plénipotentiaires Danois, quoiqu'ils aient décliné la proposition d'arbitrage, ne pourraient pas en référer à leur Gouvernement sur la question de la médiation telle qu'elle a été acceptée par les deux Puissances Allemandes.

M. de Quaade répond que puisque la ligne de frontière pourrait être tracée plus au nord que celle que son Gouvernement a acceptée comme la dernière limite, il croit inutile d'en référer à Copenhague. Il faudrait d'ailleurs dans ce cas prolonger la suspension d'armes, ce qui dans les circonstances actuelles ne saurait probablement avoir lieu qu'à des conditions auxquelles son Gouvernement ne consentirait pas.

M. le Comte Russell ayant quitté la salle de la Conférence pendant la séance précédente, et avant que M. le Comte de Bernstorff n'eut fait sa déclaration sur l'inefficacité des blocus précédemment établis par le Danemark, tient à informer ce Plénipotentiaire que la dite déclaration a été soumise à l'Avocat de la Reine, qui a donné l'avis que l'efficacité d'un blocus regarde plus spécialement les Puissances neutres, et qu'une Cour des Prises est le tribunal qui doit en décider.

M. le Comte de Bernstorff donne lecture alors de la pièce suivante:—

"Le blocus des ports de Cammin, Swinemünde, Wolgast, Greifswalde, Stralsund, et Barth, décrété par le Gouvernement Danois au mois de Février dernier, et annoncé comme devant entrer en vigueur à partir du 15 Mars, n'a point été mis à exécution jusqu'au 11 Avril, des navires sous pavillon neutre ou Prussien n'ayant pas cessé d'entrer dans ces ports ou d'en sortir. Plus tard cet état de choses n'a guère changé, car de la plupart des dits ports aucun bâtiment ennemi ne pouvait être vu. Il est vrai qu'à Swinemünde on en a aperçu quelques uns à la fin du mois de Mars et dans les premiers

jours d'Avril; mais là aussi depuis le 15 Avril jusqu'au 9 Mai aucun vaisseau ennemi ne s'est montré à l'horizon. Les vaisseaux Danois se sont bornés à stationner au nord et à l'est de l'Ile de Rügen, ordinairement à la hauteur du promontoire d'Arcona, et à donner la chasse aux navires de commerce qui, venant de l'ouest, se dirigeaient vers la côte de la Poméranie. Tant à Swinemünde qu'à Stralsund, les bâtiments de la marine royale de Prusse n'ont pas cessé de croiser devant les ports de manière à permettre aux navires de commerce d'y entrer sans danger, et il est authentiquement avéré que pendant l'espace de temps entre le 18 Mars et le 2 Avril quatorze vaisseaux, Prussiens et neutres, sont entrés dans le seul port de Swinemünde, sans avoir été arrêtés par des vaisseaux Danois."

M. le Comte de Clarendon appelle l'attention de la Conférence sur l'importance qu'il y a à savoir, en vue de la reprise prochaine des hostilités, si la Prusse va donner suite aux doctrines énoncées par ses Plénipotentiaires dans la séance précédente, réclamant le droit de rétablir la course, dans le cas où les blocus Danois ne seraient pas effectifs.

M. le Comte de Bernstorff répond que les termes de la déclaration qu'il a faite dans la derniere séance n'expriment que le principe que, si le Danemark n'observe pas strictement les dispositions d'un Article de la Déclaration de Paris, la Prusse ne se regardera pas non plus comme liée par les autres Articles de cet Acte International à l'égard du *Danemark*. Il rappelle qu'il a déjà fait observer dans la dernière séance que dans sa déclaration la course n'était pas nommée, et il ajoute que cette déclaration est destinée à réserver des droits éventuels, mais non pas à annoncer des intentions. Il n'est certainement pas dans les intentions du Gouvernement Prussien de ne pas remplir les obligations qu'il a contractées envers les *autres* Puissances signataires de la Déclaration de Paris, et c'est précisément pour provoquer un échange d'idées à ce sujet que la déclaration a été faite dans la Conférence, parce que quelques uns des Cabinets, auxquels le Gouvernement Prussien s'était adressé depuis longtemps à ce sujet, ne se sont encore prononcés d'une manière sur la question.

Sur la demande de M. le Comte Russell, M. de Quaade déclare que le Gouvernement de Danemark reconnaît les stipulations contenues dans la Déclaration du Congrès de Paris sur la loi maritime comme étant obligatoires.

M. de Krieger fait observer que M. le Comte de Bernstorff ayant de nouveau soutenu que le blocus n'avait pas été effectif, il doit répéter que le blocus a été parfaitement effectif, mais il exprime d'ailleurs la conviction que la Conférence ne désire pas discuter des questions de fait de cette nature.

MM. les Plénipotentiaires des Puissances neutres insistent sur la nécessité de maintenir les stipulations du Congrès de Paris.

M. le Baron de Brunnow, en s'associant à cette opinion, ajoute qu'il croit connaître trop bien la pensée de Sa Majesté le Roi de Prusse pour supposer au Cabinet de Berlin l'intention de vouloir rétablir la course, contrairement aux engagements réciproques qui résultent de la Déclaration de Paris.

M. de Balan s'exprime en ces termes :—

"Par rapport à l'observation faite par M. le premier Plénipotentiaire du Danemark dans la dernière séance, que Sa Majesté le Roi de Danemark a le même droit dans les Iles Frisonnes que par exemple dans l'Ile de Seeland, j'ai à rappeler que l'Ile de Sylt n'était pas occupée le 12 Mai par les Danois, mais se trouvait au contraire dans le rayon de la juridiction des armées alliées. Il est évident qu'en infestant le 14 du mois l'Ile de Sylt par des soldats de la Marine Danoise, et en y déclarant un bourg en état de siège, le Gouvernement Danois a agi contre les stipulations du 9 Mai, qui portent que :—

"'Les parties belligérantes conviennent qu'elles conserveront leurs positions militaires respectives sur terre et par mer, et s'interdisent de les renforcer pendant la durée de la suspension des hostilités.'"

M. de Quaade demande s'il a bien compris que l'Ile de Sylt avait été occupée par les armées alliées, et sur la réponse qu'elle n'était pas occupée non plus par l'armée Danoise, il fait observer que ce n'est pas une position stratégique, et que Sa Majesté le Roi peut y envoyer des troupes comme dans toute autre partie de la Monarchie Danoise.

M. de Krieger ajoute qu'il ne comprend pas comment on puisse considérer l'Ile de Sylt, à la côte occidentale du Slesvig, comme se trouvant dans le rayon de la juridiction militaire des armées alliées. Le fait contraire doit être connu de tout le monde.

M. de Balan tient à constater de nouveau que son Gouvernement consentirait à une prolongation de la suspension d'armes ou à un armistice. Il rappelle que sans cela les hostilités seront reprises le 26 Juin.

M. de Quaade répond que le Gouvernement Danois serait très disposé à consentir à

une prolongation de la suspension d'armes, mais que les circonstances s'y opposent et que dans tous les cas il y aurait des conditions à demander qui ne seraient pas acceptées par les Puissances alliées.

M. le Comte Appoyni dit que les conditions d'armistice des Puissances Allemandes seraient les mêmes que celles proposées dans le temps par M. le Comte Russell; mais M. de Quaade explique que ces conditions ont été trouvées inacceptables.

M. le Prince de la Tour d'Auvergne demande si MM. les Plénipotentiaires Allemands n'auraient pas de nouvelles conditions à proposer.

M. de Balan donne à entendre que la durée de l'armistice pourrait faire l'objet d'une discussion ultérieure.

M. le Comte de Clarendon adresse la même question à MM. les Plénipotentiaires Danois, en rappelant combien serait sérieux le renouvellement de la guerre, et que l'on ne doit pas encore abandonner tout espoir de paix, malgré les difficultés que rencontre la Conférence.

M. de Quaade répond, qu'il le regrette vivement mais qu'il n'a aucunes conditions à proposer que MM. les Plénipotentiaires Allemands soient disposés à accepter. Le Gouvernement Danois a déjà déclaré qu'il ne consentirait ni à un armistice ni même à la prolongation de la suspension d'armes à moins qu'il n'y eût chance sérieuse d'une solution pacifique. Il n'a pas recu d'autres instructions depuis là-dessus, et aujourd'hui son Gouvernement ne se prononcerait pas autrement.

MM. les Plénipotentiaires conviennent de se réunir le Samedi, 25 Juin, à 1 heure.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
[redacted]

Annexe au Protocole No. 11.

LIST OF TREATIES between Great Britain and more than one other Power, and of which Ratifications were Exchanged, not between all the Parties, but only with the Power named in the Second Column.

Between		Date.	Subject.
Great Britain France	Hans Towns	June 9, 1837	Slave Trade.
Great Britain France	Tuscany	Nov. 24, 1837	Ditto.
Great Britain France	Two Sicilies	Feb. 14, 1838	Ditto.
Great Britain Austria France Prussia Russia	Netherlands	Apr. 19, 1839	Separation of Holland and Belgium.
Great Britain Austria France Prussia Russia	Belgium	Apr. 19, 1839	Ditto.
Great Britain Austria Belgium France Netherlands Prussia Russia	Germ[illegible]ederation	Apr. 19, 1839	Grand Duchy of Luxembourg.
Great Britain Austria Prussia Russia	[illegible]rkey	July 15, 1840	Pacification of the Levant.
Great Britain Austria France Prussia Russia	Turkey	July 13, 1841	Dardanelles and Bosphorus.
Great Britain Austria Prussia Russia	Belgium	Feb. 24, 1848	Slave Trade.
Great Britain Austria France Prussia Russia Sweden	Denmark	May 8, 1852	Succession to Crown of Denmark.
Great Britain France Russia	Bavaria Greece	Nov. 20, 1852	Succession to Throne of Greece.
Great Britain France	Sardinia	Jan. 26, 1855	Accession of Sardinia to Treaty of April 10, 1854, respecting Turkey.
Great Britain France	Sardinia Turkey	Nov. 15, 1855	Accession to Convention between Great Britain and France, respecting Joint Captures.

Between		Date.	Subject.
Great Britain Austria France Prussia Russia Sardinia	Turkey	Mar. 30, 1856	Dardanelles and Bosphorus.
Great Britain France	Russia	Mar. 30, 1856	*Aland Islands.*
Great Britain France Sardinia	Turkey	May 13, 1856	Extending time for the Evacuation of the Ottoman Empire.
Great Britain Austria Belgium France Hanover Mecklenburg-Schwerin Oldenburg Netherlands Prussia Russia Sweden Hans Towns	Denmark	Mar. 14, 1857	Redemption of Sound Dues.
Great Britain Austria Belgium Brazil Denmark Spain France Mecklenburg-Schwerin Netherlands Portugal Prussia Russia Sweden Hans Towns	Hanover	June [illegible]	[illegible]emption of Stade Toll.
Great Britain France Russia	Denmark	July 13, 1863	Cro[illegible] of Greece.
Great Britain Austria Brazil Chile Denmark Spain France Hanover Italy Oldenburg Peru Portugal Prussia Russia Sweden Turkey Hans Towns	Belgium	July 16, 1863	[illegible]mption of Scheldt Toll.
Great Britain France Russia	Greece	Mar. 29, 1864	Union of Ionian Islands to Greece.

(Translation.)

Protocol No. 11.—*Sitting of June* 22, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia; and
The Plenipotentiary of Sweden and Norway

THE Protocol of the preceding sitting is read and approved.

The Earl of Clarendon, referring to an observation which Count de Bernstorff had made in the last sitting to the effect that he was only aware of two Treaties, the ratification of which had only been exchanged with a single Power by the other Powers who signed them, presents to the Conference a list of twenty-one Treaties which have all been concluded by Great Britain since 1837, and the ratifications of which have only been exchanged by her with one of the other Contracting Powers. At his request, this list is annexed to the present Protocol.

Count de Bernstorff remarks that he confined himself to stating, in the observation in question, that there were only two such Treaties, "so far as he knew," and that he had no intention of affirming that no others existed.

Earl Russell having inquired of Count Apponyi whether he had received the answer which he expected from his Govern[illegible]nt on the subject of the proposal made to the belligerent Powers to refer to a [illegible]ly Power the question of tracing a line of frontier, the first Plenipotentiary of A[illegible]aves it to Count Bernstorff to reply, who after expressing a desire that his r[illegible]e followed by that of the Plenipotentiaries of Denmark before the discussi[illegible]es, makes the following declaration in the name of the two allied [illegible]

"The [illegible] Courts:—

[illegible]erman Powers have reported to their Govern-ment[illegible] Plenipotentiaries o[illegible]entiaries of Great Britain made in the last sitting t[illegible]s the proposal which the [illegible] appeal to a friendly Power, in conformity with the [illegible] the belligerent Powers, nam[illegible]esented at the Congress of Paris, in the sitting of wish expressed by the Powers, a [illegible]e of frontier may be traced which shall neither pass to April 14, 1856, in order that [illegible]ed by Denmark nor to the north of that designated by the the south of the line indic[illegible]

German Plenipotentiaries [illegible]rized to declare in the name of Austria and Prussia, that they

"We are now auth[illegible] mediation of a neutral Power, which is not represented at the are ready to accept the [illegible] consequently, as yet pronounced an opinion on the question, on Conference, and has not [illegible]their proposals for the armistice shall be accepted. They cannot, condition however that [illegible]hand to regard themselves as definitively bound by the opinion however, engage befor[illegible]e mediating Power, since circumstances do not allow them to to be expressed by t[illegible]decision. An arbitration, moreover, would neither be in conformity accept an arbitrative [illegible]of Paris, which only contemplated an appeal to the good offices with the Declaratio[illegible]d it correspond with the terms of the English proposal of a friendly Power, nor [illegible] itself."

M. de Quaade then reads the fol[illegible]lowing declaration:—

"In the sitting of the 18th of June, Earl Russell, referring more especially to the Protocol signed on the 14th April, 1856, at the Congress of Paris, proposed to the belligerent Powers represented in this meeting to appeal to a friendly Power, in order that a line of frontier might be traced in the Duchy of Sleswig, which line should not pass to the south of that proposed by Denmark to the south of the town of Eckernforde and Sleswig, and following the line of the Dannevirke to Friederichstadt, nor to the north of that proposed by the Austrian and Prussian Plenipotentiaries to the south of the town of Apenrade and terminating at Tonder and Hoyer.

"This proposal is based on the idea that Denmark has consented to the general principle of the division of Sleswig, so that it is only the tracing of the boundary line which is in question, in which case it would signify little whether this line was drawn some leagues more to the north or to the south.

"The Danish Government sincerely regret that, quite contrary to their expectation, Her Britannic Majesty's Government should have so far abandoned their own proposal

of the 28th of May last, which already demanded such great sacrifices from Denmark, and from which we had reason to believe that the English Government would not depart, in order to propose to us sacrifices still more considerable.

"The Danish Government understand the proposal of the 28th of May, as consisting in a series of arrangements intimately connected with one another, and each of essential importance; and it is precisely in consideration of the connexion between these arrangements that Denmark was able to adhere to the proposal itself.

"The Danish Government cannot, therefore, allow that the question of the frontier admits particularly of being treated in a different manner from the other points which are indispensable for a definitive solution; and it is equally impossible for them to recognize that there is no difference in reality and principle, but only the difference of a little more or a little less territory between the line contemplated in the proposal of the 28th of May, and that which would eventually result from the proposal made on the 18th of June. There is evidently a very essential difference of principle between the two proposals.

"The first, while abandoning the ancient frontier between Denmark and Germany, provides, however, for the strategic and commercial considerations which ought not to be lost sight of when it is proposed to decide the frontier of a State; it especially makes due allowance for the moral conditions essentially necessary for the administration of the territories, the cession of which is not required from the King of Denmark.

"But as regards the proposal of the 18th of June, the Danish Govern[redacted] vain attempted to discover any real principle for it. The most southern[redacted] northern parts of the Duchy of Sleswig are, in the first place, separated f[redacted] by two boundary lines; and where are these lines placed?

"The fact that the Danish Plenipotentiaries adhered to the propo[redacted] May in terms almost identic with those of that proposal, whilst [redacted] tentiaries have proposed a line of demarcation which is as dist[redacted] English line, this fact is now turned against Denmark. The p[redacted] takes the Danish and Austro-Prussian lines, leaving to an[redacted] the territory situated between the lines chosen, that is to s[redacted] portion of the Duchy of Sleswig, which has been for[redacted] of Denmark, without any principle having been poi[redacted] guided.

"At a time when the object in dispute was[redacted] maintained that the King of Denmark had infring[redacted]ents which he [redacted] into; at that time the Danish Government, co[redacted]at they had never inte[redacted] anything but what was right, and remembering th[redacted]on to the principle laid down by the Declaration of Paris of 1856, expressed the[redacted]re for an examination and a solution of the question in dispute in a manner in[redacted]rmity with the spirit of that principle; but after all that has subsequently happened, they do not see that the principle of the Protocol of Paris can be alleged in favour of the proposal last made by the English Government; and under these circumstances they find themselves, to their deep regret, unable to give their assent to that proposal."

Earl Russell expresses the deep regret he feels at hearing the answers of the Plenipotentiaries of the belligerent Powers.

Count de Bernstorff does not admit that the German Powers have rejected the English proposal, but maintains that they have accepted it in the sense of the Declaration of Paris.

The Earl of Clarendon, as the author of the Declaration of the Congress of Paris in question, asserts that the expression "good offices" which he employed is a general expression, which neither excludes mediation nor arbitration, and that consequently the proposal of Earl Russell does not lay down any principle contrary to that Declaration.

M. de Balan does not regard the Declaration of Paris as having so wide a scope. Having had the honour of taking the orders of His Majesty the King of Prussia on this subject at the time, he thinks he remembers that the expressions "wish" and "good offices" were made use of because it was impossible to agree upon more precise terms.

The Earl of Clarendon maintains that the term "good offices" was employed with the object of comprising every kind of mediation, and excluding none.

Baron de Beust expresses himself as follows:—

"The restrictions which the Plenipotentiaries of Austria and Prussia have attached to their acceptance of the English proposal are an essential result of the nature of the question which is in discussion. They relieve me from the necessity of making the reservation which I should otherwise have been obliged to make; but I think it my duty to say some words to justify these same restrictions.

"For my part, I sincerely regret not to be able to support without reserve a proposal

which I perfectly recognize as having the salutary object of bringing the labours of the Conference to a satisfactory termination, and of preventing the resumption of hostilities. The Confederation, in claiming Sleswig for the Duke of Holstein, is not, as seems to be believed, guided by a feeling of cupidity. The German Governments assembled at the Diet would be acting in opposition to their principles and their antecedents, if they were conscious that they were depriving a foreign Sovereign of the territory which belongs to him. Such is not their idea, and such is not the true state of the question. A question of right is concerned; claims are brought forward which the Confederation is called upon to protect. I have abstained, from the commencement of the Conference, from attempting to impose this view on it, thinking that it would not be the means of facilitating an understanding with Powers who are placed in different circumstances, but I do not think that I have ever allowed the slightest doubt to exist on this subject. I have pointed out the only arrangement which seems to me to be possible. If it were frankly accepted, the intervention of a friendly Power, solicited by mutual agreement, might certainly contribute to facilitate its execution, and to consolidate the result. It is also within these limits that an application of the Treaty of Paris would be more closely carried out than it would be in the case of arbitrative judgment without appeal. But that in a question of right on which it has no doubts, the Confederation should submit to the decision of a third party, whose perfect impartiality would not constitute a sufficient title for its [illegible] that Germany should consent to make the fate of populations now placed [illegible]tection of her arms dependent on this same decision, is what must be [illegible]mpossible."

[illegible]rnstorff maintains that Austria and Prussia have accepted the English [illegible]ct terms in which it was made.

[illegible]tiaries of Great Britain dispute this assertion, and quote their [illegible]the last Protocol, to prove that in order to avoid any misunder- [illegible]lained that an arbitration which should be final on the question [illegible].

[illegible]f Prussia say that they only spoke of the proposal itself, and [illegible] was accompanied. They maintain that the Plenipo- [illegible] rejected the proposal, while Austria and Prussia [illegible]liation.

[illegible]their acceptance, thus modified, corresponds with [illegible]proposal. He [illegible]hat the mediation exists already in the Con- [illegible]ce.

Earl Russell states, and [illegible]. with regret, that his proposal has been rejected by Denmark, and has not [illegible]epted by the allied Powers. As to the answer of the German belligerent Powe[illegible]eems clear to him, that after two or three months of useless labour, the decision of [illegible] mediating Sovereign would be set aside if the smallest proportion of the inhabitants of a district were dissatisfied with it.

The Prince de la T[illegible]r d'Auvergne announces that, as all the arrangements which have been proposed for the purpose of arriving at an agreement as to the tracing of the frontier have unfortunately been rejected, he thinks it right to submit a new suggestion to the Conference. He expresses himself in these words :—

"When the Government of the Emperor gave their adhesion to the plan of arrangement proposed by Her Britannic Majesty's Principal Secretary of State, in the sitting of the 28th of May, they hoped that the united efforts of the Plenipotentiaries of the neutral Powers, seconded by the conciliatory disposition of the Plenipotentiaries of the belligerent Powers, would succeed in bringing about between the interested parties an understanding as to the [illegible]ng of the line of frontier.

"These hopes have unfortunately not been realized. All the arrangements proposed have been rejected, and no compromise seems as yet to have any chance of being accepted. In this position of affairs, the Government of the Emperor consider it their duty to make in the interests of peace a final suggestion. It is in virtue of their nationality that the northern districts of Sleswig are to be assigned to Denmark, and those of the south to Germany. It has not been thought expedient to make an appeal to the wishes of the population where those wishes seem to be manifest; but they might be consulted where they are doubtful, and if no other means exist for establishing an agreement. Whilst admitting the impossibility of taking nationality as an absolute rule in the division of the mixed districts of Sleswig, the Government of the Emperor are, however, of opinion that it would be right to obtain, by means of a vote of the communes, the elements of appreciation on which it should be agreed to base a decision. This vote by communes would allow the most exact account to be taken of each nationality in the definitive tracing of the frontier.

"In order that it might offer in other respects the guarantees desired, it would be [illegible] drawn, and that the [illegible] to stipulate that all military forces should previously be withdrawn, and that the [illegible] over, send delegates to the spot, in order to ensure the perfect impartiality of the scrutiny. should be given free from all pressure. Each Power might, more

Count de Bernstorff says that he sees no objection to taking *ad referendum* the proposal which the Prince de la Tour d'Auvergne has just submitted to the Conference, as it starts from nearly the same point of view as the last proposal of his Government. He observes, however, that there would still be the question of the armistice to be settled.

In reply to an observation of Count de Bernstorff, the Prince de la Tour d'Auvergne says that the districts to be consulted would be, in his opinion, those which are situated between the line of frontier proposed to the north by the Plenipotentiaries of Austria and Prussia, and the line indicated to the south by the Danish Plenipotentiaries.

Count Apponyi, referring to the reservations which he has made in the preceding sittings, says, that according to his instructions he does not feel himself authorized to adhere to the proposal which has just been made.

Baron de Beust would be ready to admit the proposal of the Prince de la Tour d'Auvergne as a means of coming to an understanding. He thinks that the military occupation would be no obstacle to it, and that it would be easy to afford to the population full liberty to pronounce their opinion without any constraint. Replying to the Plenipotentiary of France, who asks him if he means by this the withdrawal of the German troops and if, personal opinion he considers it possible, as during the consultation, he says that in his personal course of the administration, would as well as measures which, without interfering with the power of voting, guarantee the perfectly independent exercise of the p Danish Plenipotentiaries as to the

Earl Russell, while asking the opinion of the [illegible] would be quite disposed to adhere to it. proposal, says, that as regards the English Plenipoten to concur, if the Danish Government considered it possi al instructions on this subject,

M. de Quaade replies that he is naturally without speci ludes to his declaration of and he cannot even consent to take it *ad referendu* He ake great sacrifices in the 2nd of June, in which he said that his Gove its beyond which they order to obtain the restoration of peace, but th him to consent to could not go; and the instructions with which of t other line than that proposed by the English P May, and accepted by Denmark.

M. de Krieger, while agreeing in M. de [illegible] to the disc which took place in the last sitting on the subject o storff's proposal t consult the population of Sleswig, and particularly to w on that subject by Baron de Brunnow.

The Earl of Clarendon thinks it would be useful to rec what has passed on the subject of the so-called English line of frontier, since M. aade has spoken of the great sacrifices made by Denmark in adopting it, and has ven reproached the English Government with having now deviated from it. It becomes necessary, therefore, formally to state how and why that line was proposed. At the time the meeting of the Conference, it seemed to be in the general interest to adhere to the Treaty of London which had been signed by the Great Powers, each of which was represented in the Conference, and the rupture of which might lead to very serious consequences. When subsequently it was found impossible to come to an understanding respecting the Treaty, it was agreed that it was necessary not to abandon it without previously discovering means to replace it by the bases of a solid and durable peace, in conformity with the feelings of the populations interested. It was then that Lord Russell thought it right to concert with the Plenipotentiaries of the other neutral Powers as to the question of tracing a new line of frontier. Those Plenipotentiaries agreed on a line which seemed to them more than any other to unite the advantages desired for Denmark. It was proposed by Lord Russell in his quality of President of the Conference, as the result of the previous understanding which had been come to by the Representatives of the neutral Powers. It is not, therefore, an exclusively English proposal, but that which the Plenipotentiaries of the neutral Powers had selected as seeming to them most suitable to replace the Treaty. It would be useless, continues Lord Clarendon, to recapitulate all the obstacles which the proposal has met with on the part of the belligerent Powers. It is sufficient to say that, in the interests of peace, as well as in those of Denmark, it was necessary to seek for some other means of conciliating the interests concerned, without losing sight of the principle of nationality. The line in question has been proposed for a common object, in the interests of Europe, and not with the intention of laying down a principle which could

surprised, therefore, at the reproach which has just been
overnment by the Danish Plenipotentiaries, of not having kept

terest of all the neutral Powers represented in the Conference that
desires to state how things happened.

Brunnow then expressed himself in these terms:—

the preceding sitting the Plenipotentiary of Prussia proposed to consult the
es of the inhabitants of Sleswig as to the arrangements to be adopted with regard
to them.

"In conformity with the instructions of my Court, I have had the honour to explain to the Conference the reasons which prevented my concurring in this plan.

"The same considerations apply also to the decision of the fate of the mixed districts. In my opinion, the King of Denmark ought to remain in possession of these districts, as an equivalent for the surrender which that Sovereign would be ready to make of Lauenburg.

"In support of this truth, I will beg permission to remind th ence of the words which the Plenipotentiary of France pronounced in the sitti e Confer of May.

"The Prince de la Tour d'Auvergne said:— ng of the 28th

"'As to the mixed districts of the centre, in what determined, there will always be Danes subject to a G ever manner their fate may be to Denmark in them. Considering the absolute im rman country, or Germans subject rule on this point, we think that it would b possibility of taking nationality as a weaker party, especially when she is al just to decide the difference in favour of the on her in all the points where it eady undergoing the sacrifices which this rule imposes consider it as essential that the f is manifestly against her. My Government equally sities of the defence of D tier should be traced in conformity with the neces- by the Conference, whose miss or these necessities must be taken into consideration to take care that the new ar is, whilst satisfying the legitimate claims of Germany, of Denmark, and the intere rangements should sufficiently guarantee the independence

After having read f the lance of power in the North of Europe.'"

tentiary of Russia resu Protocol No. 6 of the 28th of May, the Plenipo-

"I have thought

scri the Conference of these words, since they character of the mission of perfect equity, of een called upon to perform.

have on o make. It relates to a declaration which the Plenipotentiaries of nstructed to make in the sitting of the 2nd of June. They announced o ion that the Government of His Majesty the King expected that the fu of the provinces which should eventually be ceded should not be decided with onsent.

"I must point view which I take of this eventuality, in conformity with the instructions with wh I am furnished.

"In the o of the Imperial Cabinet, as I have said, it is for His Majesty King Christian IX to p nounce his opinion the first as to what is expedient for the interests of his country. If he King of Denmark, with a view to securing the independence and repose of his pe le, decides on making a cession of territory, he has unquestionably the power so to d n virtue of his rights of sovereignty. He is equally free to attach a condition to the sacrifices which he has resolved to make.

"Consequently, if that august Sovereign chooses that the destiny of the territories ceded by him shall not be decided without their consent, he is in his right.

"While respecting n this point the plenitude of His Danish Majesty's Royal prerogative must r mark that the plan of arrangement proposed on the 28th of May by the Ple otentiaries of reat Britain expressly stated that the question of the consent of the Du s would not f he object of the Treaty of Peace.

"Th plan has obtain the adhesion of the Imperial Cabinet. It is consequently my duty strictly to preserve the line of conduct which the orders of my Court prescribe to me as to the execution of that plan."

The Plenipotentiary of Russia concluded this statement by requesting that the reservation which he had made in the name of his Court might be inserted in the Protocol.

Referring next to the observations of the Earl of Clarendon, Baron de Brunnow declares that he entirely agrees in them. The Court of Russia in giving its cordial assent to the plan proposed by Earl Russell on the 28th of May, sincerely appreciated the motives which induced Her Britannic Majesty's Government to suggest a boundary

line destined to conciliate the various interests which it was necessary to consider, with a view to the restoration of peace. That intention was recognized and unanimously approved by all the Plenipotentiaries of the neutral Powers.

In conclusion, Baron de Brunnow affirms that Lord Russell never intended to propose that line as an ultimatum, nor to impose it as such on the belligerent Powers.

Count de Bernstorff declares that the Plenipotentiaries of the German Powers have always understood the proposal of the Plenipotentiaries of Great Britain in the sense of the explanations which they have just heard, and not in that of an ultimatum.

The Prince de la Tour d'Auvergne remarks that he also joined in the proposal of the Plenipotentiaries of Great Britain, because it was considered by his Government as perfectly equitable; but that in giving his adhesion to that proposal, he did not in the least mean to deprive the neutral Powers of the right of putting forward any other combination, if that one was rejected, with a view to arriving at an arrangement.

Count Wachtmeister says that he thinks he may refer to the declaration which he made in the sitting of the 28th of May, and in several subsequent sittings, as to the adhesion of his Government to the proposal made by Earl Russell. "We always considered," he says, "that the line of the Slei was the most northern boundary to which His Majesty the King of Denmark could consent, and that the part of the mixed and German district which lies to the north of that boundary should be acquired by Denmark, in exchange for the Duchy of Lauenburg, which His Majesty the King of Denmark was ready to surrender."

M. de Biegeleben, referring to an observation of M. de Krieger, who had said that the mediation already existed in the Conference, points out the difference which exists between such a mediation and that exercised by a neutral Sovereign not represented in the Conference, and inquires if the Danish Plenipotentiaries, although they have declined the proposal of arbitration, could not refer to their Government on the question of the mediation in the form in which it has been accepted by the two German Powers.

M. de Quaade replies that as the line of frontier might be traced more to the north than that which his Government have accepted as the last limit, he considers it useless to refer to Copenhagen. It would, moreover, be necessary in this case to prolong the suspension of arms, which, under the present circumstances, could not probably take place except on conditions to which his Government would not consent.

Earl Russell having left the Conference room during the preceding sitting, and before Count de Bernstorff had made his declaration respecting the ineffectiveness of the blockade previously established by Denmark, desires to inform that Plenipotentiary that the said declaration has been submitted to the Queen's Advocate, who has expressed the opinion that the effectiveness of a blockade more particularly regards the neutral Powers, and that a Prize Court is the tribunal which ought to decide on it.

Count de Bernstorff then reads the following document:—

"The blockade of the ports of Cammin, Swinemünde, Wolgast, Greifswalde, Stralsund and Barth, notified by the Danish Government in the month of February last, and announced as coming into force from the 15th of March, was not put into execution up to the 11th of April, vessels under neutral or Prussian flag not having ceased to enter and leave those ports. Subsequently the state of things was hardly altered, for from the greater part of the said ports no hostile vessel could be seen. It is true that at Swinemunde some were perceived towards the end of the month of March and at the beginning of April; but there also from the 15th of April to the 9th of May, no hostile vessel has been in sight. The Danish vessels have merely stationed themselves to the north and east of the Island of Rügen, generally in the latitude of the promontory of Arcona, and have given chase to the merchant-vessels which came from the east and steered for the coast of Pomerania. At Swinemünde, as well as at Stralsund, the vessels of the Prussian Royal Navy have not ceased to cruize before the ports so as to allow merchant-vessels to come in without danger; and it is authentically averred that during the space of time between the 18th of March and the 2nd of April, fourteen Prussian and neutral vessels came into the port of Swinemünde alone, without having been stopped by the Danish vessels.

The Earl of Clarendon calls the attention of the Conference to the importance of ascertaining, in view of the approaching resumption of hostilities, whether Prussia intends to carry out the doctrine laid down by her Plenipotentiaries in the preceding sitting, claiming the right of re-establishing privateering, in case the Danish blockades should not be effective.

Count de Bernstorff replies that the terms of the declaration which he made in the last sitting only assert the principle that if Denmark does not strictly observe the provisions of one Article of the Declaration of Paris, neither will Prussia consider herself bound

by the other Articles of that International Act with regard to *Denmark*. He remarks that he has already observed that in his declaration privateering was not mentioned, and he adds that that declaration was intended to reserve rights, but not to announce intentions. The Prussian Government certainly do not intend not to perform the obligations which they contracted towards the *other* Powers who signed the Declaration of Paris, and it was precisely for the purpose of eliciting an exchange of ideas on this subject that the declaration was made in the Conference, as some of the Governments to which the Prussian Government had long ago addressed themselves on the subject had not given any opinion on the question.

In reply to an inquiry of Lord Russell, M. de Quaade declares that the Danish Government recognize the stipulations contained in the Declaration of the Congress of Paris respecting maritime law as binding.

M. de Krieger observes that Count de Bernstorff having again maintained that the blockade had not been effective, he must repeat that the blockade was perfectly effective: he expresses a conviction, however, that the Conference is not desirous of discussing questions of fact of this nature.

The Plenipotentiaries of the neutral Powers insist on the necessity of maintaining the stipulations of the Congress of Paris.

Baron de Brunnow agrees in this opinion, and adds that he is too well acquainted with the character of His Majesty the King of Prussia to suppose that the Cabinet of Berlin intend to re-establish privateering, in contravention of the reciprocal engagements which result from the Declaration of Paris.

M. de Balan expresses himself in these terms:—

"With regard to the observation made by the first Plenipotentiary of Denmark in the last sitting, that His Majesty the King of Denmark has the same rights in the Frisian Islands as, for example, in the Island of Sealand, I have to remark that the Island of Sylt was not occupied on the 12th of May by the Danes, but was, on the contrary, within the limits of the jurisdiction of the allied armies. It is evident that in overrunning the Island of Sylt on the 14th of this month with soldiers of the Danish Marine, and in declaring a town there in a state of siege, the Danish Government have acted in contravention of the stipulations of the 9th of May, which are to the effect that—

"'The belligerent parties agree to preserve their respective military positions by sea and land, and engage not to reinforce them during the continuance of the suspension of hostilities.'"

M. de Quaade asks if he is right in understanding that the Island of Sylt had been occupied by the allied armies, and on the reply that it was not occupied by the Danish army either, he observes that it is not a strategical position, and that His Majesty the King may send troops there just as much as to any other part of the Danish Monarchy.

M. de Krieger adds, that he does not understand how the Island of Sylt, on the western coast of Sleswig, can be considered as within the limits of the military jurisdiction of the allied armies. The contrary must be evident to all the world.

M. de Balan wishes again to state that his Government would consent to a prolongation of the suspension of arms, or to an armistice. He remarks that otherwise hostilities will be resumed on the 26th of June.

M. de Quaade replies, that the Danish Government would be perfectly disposed to consent to a prolongation of the suspension of arms, but that circumstances oppose it, and that in any case there would be conditions to be demanded, which would not be accepted by the allied Powers.

Count Apponyi says that the conditions of armistice to be proposed by the German Powers would be the same as those formerly proposed by Lord Russell, but M. de Quaade explains that those conditions were considered unacceptable.

The Prince de la Tour d'Auvergne asks if the German Plenipotentiaries have no new conditions to propose.

M. de Balan gives it to be understood that the duration of the armistice might form the subject of a further discussion.

The Earl of Clarendon addresses the same question to the Danish Plenipotentiaries, remarking how serious a renewal of the war would be, and that all hopes of peace should not be abandoned, notwithstanding the difficulties which the Conference encounters.

M. de Quaade replies that he deeply regrets it, but that he has no conditions to propose which the German Plenipotentiaries would be disposed to accept. The Danish Government have already declared that they would not consent to an armistice, nor even to a prolongation of the suspension of arms, unless there was a serious chance of a pacific

solution. He has received no further instructions on the subject since then, and at this moment his Government would not decide otherwise.

The Plenipotentiaries agree to meet on Saturday, the 25th of June, at 1 o'clock.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Annex to Protocol No. 11.

LIST OF TREATIES between Great Britain and more than one other Power, and of which Ratifications were Exchanged, not between all the Parties, but only with one Power.

[See pp. 118 and 119.]

Protocole No. 12.—*Séance du* 25 *Juin*, 1864.

Présents:

MM. les Plénipotentiaires de l'Autriche;
MM. les Plénipotentiaires du Danemark;
M. le Plénipotentiaire de France;
M. le Plénipotentiaire de la Confédération Germanique;
MM. les Plénipotentiaires de la Grande Bretagne;
MM. les Plénipotentiaires de la Prusse;
M. le Plénipotentiaire de Russie; et
M. le Plénipotentiaire de Suède et Norvège.

LE Protocole de la séance précédente est lu et approuvé.

M. le Comte Russell lit la déclaration suivante:—

"Les Puissances belligérantes sont à la veille de reprendre les armes. Cette détermination met fin aux délibérations qui avaient pour objet le rétablissement de la paix.

"Bien que ce but n'ait pas été atteint, il est de mon devoir de rendre justice aux efforts que les Plénipotentiaires réunis en Conférence ont employés à arriver à une conclusion pacifique, et de signaler en même temps les circonstances qui ont mis obstacle à l'accomplissement de cette œuvre de conciliation.

"Dans cette vue, les Plénipotentiaires de la Grande Bretagne déposent aujourd'hui aux actes de la Conférence un résumé des travaux qui ont commencé le 25 Avril, et qui se terminent le 25 Juin.

"Cette relation constate l'importance que les Représentants des Puissances neutres ont attachée, dès l'ouverture de la Conférence, à maintenir les engagements réciproques résultant du Traité de Londres du 8 Mai, 1852. Elle manifeste aussi leur résolution unanime de ne point se départir de ces engagements avant d'avoir avisé, d'un commun accord, à de nouvelles combinaisons destinées à offrir à la paix générale des garanties équivalentes à celles qui résultaient de l'Acte Européen conclu en 1852.

"Dans cette intention les Plénipotentiaires de France, de la Grande Bretagne, de Russie, et de Suède et Norvège, ont voué leurs soins à amener une transaction équitable, destinée à sauvegarder désormais l'indépendance de la Monarchie Danoise, après qu'une lutte inégale eût porté à l'intégrité de cet Etat une atteinte inévitable.

"Les bases de cette transaction ayant été acceptées en principe par les Puissances

belligérantes, il restait à convenir du réglement des questions de détail qu'embrassait ce plan cordialement appuyé par les Puissances neutres.

"Le différend, réduit ainsi à des proportions étroites, aurait admis une solution heureuse, si les décisions d'une Puissance impartiale, à laquelle le Gouvernement de Sa Majesté Britannique recommandait de faire appel, avaient été acceptées avec une mutuelle confiance.

"Cet espoir ne se réalisera point. La relation que je vais déposer aux actes de la Conférence indiquera les circonstances qui n'ont point permis d'accomplir un plan de conciliation appuyé par les Puissances neutres et inspiré au Gouvernement de Sa Majesté Britannique par un désir sincère de prévenir le retour des calamités de la guerre.

"L'opinion publique verra avec régret que les espérances de la paix se soient évanouies parceque les parties directement engagées dans ce litige ne sont pas parevnues à s'entendre sur le tracé d'une frontière, laissant une différence de quelques milles carrés de terrain, de plus ou de moins, soit au sud, soit au nord. L'opinion publique reconnaîtra aussi que peu de jours de plus donnés à la réflexion, au lieu de recourir aux armes, auraient pu contribuer à calmer les ressentiments, à éclairer les belligérants sur leurs vrais intérêts, et à ramener les Cabinets à des résolutions pacifiques.

"Demain les hostilités vont recommencer, sans que les conseils des Puissances amies de la paix aient réussi à prévenir le renouvellement d'une lutte si profondément regrettable.

"Quelle qu'en soit l'issue, les Cours de France, de la Grande Bretagne, de Russie et de Suède, n'en restent pas moins animées du sincère désir de voir la Monarchie Danoise maintenue dans son indépendance, la conservation de cet Etat constituant un élément de l'équilibre dans le Nord.

"Leur vœu en se séparant est que ce principe demeure la base des négociations futures."

Lecture est alors donnée du résumé des travaux de la Conférence dont M. le Comte Russell vient de parler, et cette pièce est sur sa demande annexée au présent Protocole.

M. le Comte de Bernstorff tient à dire quelques mots en réponse à la déclaration de M. le Comte Russell. Il s'exprime ainsi :—

"Nous ne pouvons, comme de raison, pas être autorisés à faire une réponse officielle à la déclaration que M. le Président de la Conférence vient de lire, et dont nous n'avons pas connu d'avance le contenu; mais je crois pouvoir, sans lier d'aucune manière les mains à mon Gouvernement par rapport à des événements qui appartiennent à l'avenir et à des éventualités qui ne sauraient être calculées d'avance, rappeler ici qu'il n'a jamais été dans les intentions de mon Gouvernement de menacer l'indépendance politique du Royaume de Danemark, mais qu'il s'est toujours uniquement agi des Duchés."

M. le Baron de Beust demande quel est le but du résumé dont lecture a été donnée.

M. le Comte de Clarendon répond que c'est un compte-rendu des séances de la Conférence, qui a été rédigé d'un commun accord par MM. les Plénipotentiaires des Puissances neutres, et qui n'engage nullement la responsabilité de MM. les Plénipotentiaires des autres Puissances représentées dans la Conférence.

MM. les Plénipotentiaires des Puissances belligérantes, ainsi que M. le Plénipotentiaire de la Confédération [redacted] se réservent expressément le droit et la faculté d'y répondre.

M. le Comte Apponyi déclare [redacted] de son côté une déclaration à faire, dont la lecture lui paraît devenir surtout nécessaire après le résumé qui vient d'être communiqué à la Conférence. Sa déclaration a pour but de sauvegarder les droits et la responsabilité des Gouvernements de l'Autriche et de la Prusse. Il constate en outre que l'absence d'objections de la part des Plénipotentiaires des Puissances Allemandes à l'acceptation de ce résumé comme annexe au Protocole ne saurait impliquer leur adhésion au contenu de ce document.

Des réserves analogues sont faites par MM. les Plénipotentiaires du Danemark; et M. de Krieger réclame pour la réponse éventuelle de son Gouvernement la même publicité que celle qui sera accordée à l'Annexe précitée.

M. le Comte Apponyi donne alors lecture de la déclaration suivante, au nom de MM. les Plénipotentiaires des Cours alliées :—

"Pendant toute la durée des délibérations de la Conférence dont le résultat n'a malheureusement pas répondu au but de pacification qu'elle avait en vue, les Puissances Allemandes n'ont pas cessé d'être animées de cet esprit de paix et de conciliation qui les avait engagées à accepter l'invitation du Gouvernement de Sa Majesté Britannique de se réunir en Conférence à Londres pour aviser aux moyens de rétablir la paix.

"L'insurmontable opiniâtreté avec laquelle le Gouvernement Danois s'est soustrait aux engagements contractés et s'est refusé à rendre justice aux sujets Allemands du

Roi-Duc, blessa gravement l'honneur national de l'Allemagne. Après que tous les moyens de conciliation tentés avec une persévérante patience furent épuisés, l'Exécution Fédérale dans le Holstein, l'occupation du Schleswig, et finalement la guerre de l'Autriche et de la Prusse contre le Danemark, devinrent inévitables.

"A la suite de combats meurtriers le continent Danois était tombé au pouvoir des Puissances alliées, et la voix publique de l'Allemagne demandait hautement la rupture complète du lien qui unissait le Schleswig et le Holstein au Danemark, et la formation des deux Duchés en un Etat Allemand indépendant, sous sa propre dynastie.

"Malgré cela, l'Autriche et la Prusse n'hesitèrent pas à entrer dans la Conférence avec des déclarations qui n'étaient pas dirigées en principe contre l'intégrité de la Monarchie Danoise, mais demandaient seulement que le point de droit dans la question de Succession ne fût point préjugé, et que l'indépendance politique et administrative des Duchés fût assurée.

"C'est le Danemark qui rejeta péremptoirement comme inadmissible l'idée d'une union personnelle. Persistant dans sa fatale tendance à incorporer le Schleswig, la Cour de Copenhague repoussa les seules conditions auxquelles les Puissances alliées auraient pu consentir avec honneur à la continuation de l'union des Duchés avec le Danemark.

"Dès ce moment le principe de la séparation des Duchés d'avec la Couronne Danoise devint nécessairement pour les Puissances Allemandes la condition principale de la paix.

"Même dans cette nouvelle phase des négociations, leurs dispositions conciliantes ne se démentirent point. On connaît la haute importance que les habitants du Schleswig et du Holstein attachent à l'intégrité des deux Duchés, et à leur réunion en un Etat indivisible. Ces sentiments méritent d'être respectés, et c'est donc un sacrifice considérable que l'Autriche, la Prusse, et la Confédération Germanique auraient porté à leur désir du rétablissement de la paix, en consentant à céder une partie du territoire septentrional du Schleswig à la Couronne de Danemark, comme compensation de la rénonciation de Sa Majesté Danoise au Duché de Lauenbourg.

"Les dispositions conciliantes des Puissances Allemandes ne se sont pas arrêtées là. La paix qui paraissait maintenant dépendre d'une entente au sujet du tracé de la frontière aurait pu être conclue, si le Danemark n'avait pas élevé des prétentions qui devaient lui restituer le chef-lieu même du pays que les armes Allemandes avaient soustrait à sa domination, et dont l'Allemagne avait le droit de réclamer la réunion intégrale avec le Holstein.

"Ce furent encore l'Autriche et la Prusse qui pendant tout le cours des négociations, et à chaque occasion, appuyèrent sur la nécessité d'une prolongation de la suspension d'armes ou de la conclusion d'un armistice formel, afin que l'œuvre de la pacification ne fût pas incessamment compromise par le danger toujours imminent du renouvellement des hostilités. A ce sujet aussi, la conduite de nos adversaires a été toute différente. Le Danemark a refusé la proposition des Puissances neutres tendant à la conclusion d'un armistice qui, en échange de l'évacuation complète du Schleswig, lui aurait rendu le Jutland. Il n'a consenti à une suspension des hostilités que pour un mois, et s'est refusé à prolonger ce terme, déjà si court, au delà de quinze jours.

"Un dernier fait signale encore la modération dont les Puissances Allemandes ont fait preuve jusqu'à la fin. Après que les Plénipotentiaires réunis en Conférence eurent échoué dans leurs efforts de s'entendre sur une ligne de frontière à tirer dans le Schleswig, l'Autriche et la Prusse, se pénétrant du texte et de l'esprit du Protocole de Paris de 1856, se déclarèrent prêtes à continuer ces négociations sous la forme d'une médiation confiée à un Souverain neutre, non représenté dans la Conférence. Ce dernier moyen d'arriver à une entente, et dont l'acceptation aurait eu pour conséquence naturelle la continuation de la suspension des hostilités, offerte de nouveau par les Puissances Allemandes, fut également rejeté par le Danemark.

"En conséquence il ne reste aux Plénipotentiaires Allemands qu'un devoir à remplir, c'est celui de déclarer solennellement qu'ils déclinent au nom de leurs Gouvernements la responsabilité du sang qui sera versé et des malheurs qui résulteront du renouvellement de la guerre. Cette responsabilité ne saurait retomber sur les Puissances qu'ils ont eu l'honneur de représenter à cette Conférence."

M. le Comte de Bernstorff fait suivre cette déclaration commune par une déclaration additionnelle de MM. les Plénipotentiaires Prussiens, conçue en ces termes —

"Il ne nous reste qu'à ajouter à ce que M. le Comte Apponyi vient de dire au nom des Plénipotentiaires des deux Puissances Allemandes, que nous avons encore fait, au nom de la Prusse, dans l'avant-dernière séance de la Conférence, une proposition qui était essentiellement calculée à donner une solution pacifique à la question qui nous a occupés, et qu'en outre nous nous sommes déclarés prêts, dans la dernière séance,

à prendre la proposition de M. l'Ambassadeur de France *ad referendum*, mais que les deux propositions en question ont été absolument rejetées par MM. les Plénipotentiaires Danois."

M. de Quaade doit, en son nom, et en celui de ses collègues, décliner, pour son Gouvernement, toute responsabilité de la non-réussite de la négociation et du sang qui sera versé. Il constate que "le Danemark ne s'est arrêté devant aucun sacrifice, compatible avec son existence pour contribuer à l'œuvre de pacification; et que le Gouvernement Danois est par conséquent convaincu de n'avoir aucun reproche à s'adresser si l'on n'est pas parvenu à s'entendre. La situation faite au Gouvernement Danois par les événements est bien différente de celle des Puissances Allemandes, et pour peu qu'on veuille tenir compte de cette différence, on portera sur la conduite du Gouvernement Danois un tout autre jugement que celui formé par les Puissances Allemandes."

M. le premier Plénipotentiaire du Danemark donne alors lecture de la déclaration suivante:—

"Lorsque le Gouvernement Danois reçut l'invitation du Gouvernement de Sa Majesté Britannique à une Conférence dont le but était le rétablissement de la paix, il se tenait pour convaincu que le Traité conclu il y a peu d'années, et destiné à donner à l'intégrité de la Monarchie Danoise, comme condition essentielle de l'équilibre politique en Europe, un gage ultérieur de stabilité, serait maintenu par le concours de tous ceux qui avaient participé à sa conclusion.

de ... du 8 Mai, 1852, n'était pas conditionnel ni hypothétique

Résumé des D... de l'adhésion d'un tiers.

A L'IN... n'altérait rien dans les rapports entre le Slesvig et la Couronne ... laquelle ce pays est incorporé depuis plus d'un siècle; il n'altérait rien non plus dans les rapports entre les Duchés de Lauenbourg et de Holstein et la Confédération Germanique, dont le Roi de Danemark fait partie pour le Holstein et le Lauenbourg, et il ne donnait à la Confédération Germanique aucune espèce de compétence autre que celle qui lui revenait en vertu de l'Acte Fédéral et des résolutions subséquentes prises légalement par suite de cet Acte. Pour ce qui regarde particulièrement le Slesvig, la Diète Germanique a reconnu déjà en 1823 que ce Duché se trouve parfaitement en dehors de toute influence de la part de la Confédération Germanique.

"Non seulement ... Souveraines non-Allemands, mais aussi (à une exception près) tous les Etats de ... stein avaient ... ables et plusieurs des Etats moins considérables de l'Allemagne ... à la conclusion du Traité de Londres, ou adhérèrent dans la suite ... Arrêté Fédéral ne peut affranchir les Etats Allemands des ob... la Confédération Germanique ...

"Les Plénipotentiaires Danois n'ont pas besoin de parler ici de l'état de choses qui a été la conséquence de l'attitude prise ainsi par les Puissances Allemandes. Le Gouvernement Danois s'était livré à l'espoir que les sacrifices auxquels il s'était déclaré prêt en acceptant la proposition du 28 Mai dernier, suffiraient pour le rétablissement de la paix; mais cet espoir n'ayant pas été réalisé il ne reste aux Plénipotentiaires Danois qu'à rappeler la réserve consignée à la fin de leur déclaration du 2 Juin; et ils sont chargés de déclarer expressément qu'en vertu de cette réserve le Gouvernement Danois reprend dès-à-présent, sur le terrain du Traité de Londres du 8 Mai, 1852, la position qu'il n'avait quittée que provisoirement par amour pour la paix et à la condition que la paix à conclure fût propre à remplacer les dispositions du dit Traité."

M. le Baron de Beust s'est exprimé en ces termes:—

"La tâche qui m'était imposée en entrant dans la Conférence consistait principalement à maintenir intacte une question de droit. La Conférence a apprécié, je l'espère, combien son accomplissement devait limiter mes tendances personnelles à me montrer conciliant et à entrer dans des voies de transaction. Mais je me flatte de n'avoir jamais oublié les ménage[illegible] qui me semblaient nécessaires pour ne pas blesser des susceptibilités. Je n'en[illegible] que davantage qu'à la fin de nos délibérations seulement M. le premier Plén[illegible]e du Danemark ait soulevé des questions que je n'ai pas voulu aborder, et [illegible]s voulu au moins discuter plus [illegible] Cepend[illegible]qu'on veut revenir sur le Traité de 1852, je me permettrai également [illegible]
Il ne m'appartient pas de décider la question de savoir si après [illegible]
la Conférence, le Traité de Londres peut être regardé comme int[illegible]
qu'un Traité est ou valide ou ne l'est pas, et que du momen[illegible]
accepter le contraire, ou ne peut plus prétendre qu'il le soit. [illegible]
vue, que la Confédération n'y a jamais adhéré. Aujourd'hui, [illegible]
des Gouvernements Allemands. Il y en a eu en effet: il y a eu [illegible]
exemple, celle de la Saxe, relativement à la compétence de la Diè[illegible]
permis d'aller plus loin. Je n'ai jamais nié que dans le principe [illegible]
n'ait eu un but salutaire; quelques Gouvernements Allemands [illegible]
seulement il fallait faire ce qui était nécessaire pour le rend[illegible]
Gouvernement Danois avait profité des premières années après [illegible]
pour faire jouir les Duchés des bienfaits d'un Gouverne[illegible]
leur Constitution, respecté surtout le libre usage de la langue [illegible]
qu'il n'eût réussi à obtenir le consentement des agnats, des Etats, et [illegible]
et alors il n'est guère probable qu'il y aurait eu des convulsions à la [illegible]
le Roi Frédéric VII. Mais les choses s'étant passées différemment; [illegible]e a eu à se prononcer dans des circonstances qui rendaient toute adhésion impossible.

"Les Gouvernements Allemands ont dû se rappeler de leurs devoirs Fédéraux, et je conteste que la politique de la Confédération doive se régler d'après les actes des divers Gouvernements. Quant à l'exposé dont M. le Comte Apponyi a donné lecture, je le juge conforme à la vérité. S'il fallait une preuve de plus pour constater que les deux Puissances Allemandes se sont montrées conciliantes, on la trouverait dans un rapprochement entre les déclarations de leurs Plénipotentiaires et les miennes.

"Pour ce qui est enfin du résumé dont il a été donné lecture, ne pouvant ni le trouver complet, ni en partager les appréciations, je prie de ne pas prendre mon silence pour une adhésion. Chaque Plénipotentiaire sera libre à son tour de soumettre à qui de droit un résumé de la marche de la Conférence."

M. le Comte Apponyi propose à la Conférence d'adresser, avant de se séparer, des remerciements à M. le Comte Russell. Il s'est exprimé ainsi:—

"Messieurs! Au moment de clôre nos délibérations, je crois être l'interprête des sentiments de tous les Plénipotentiaires, en offrant en leur nom à M. le Comte Russell tous les remerciements de la Conférence pour l'esprit de conciliation et la courtoisie avec laquelle il en a dirigé les travaux.

"Quel que soit le résultat de nos réunions, nous n'en emporterons pas moins tous un souvenir précieux de la bienveillance personnelle de notre Président."

Cette proposition ayant été adoptée à l'unanimité, M. le Comte Russell en remercie la Conférence dans les termes suivants:—

"Je remercie MM. les Plénipotentiaires de l'honneur qu'ils m'ont fait.

"C'est grâce à l'aide et à l'appui qu'ils ont bien voulu m'accorder, que nos discussions ont été conduites dans l'esprit de modération et de courtoisie qu'exigeait la liberté complète avec laquelle nos opinions ont été émises.

"Je remplis un devoir bien agréable en exprimant à mes collègues de la Conférence ma vive reconnaissance pour le concours qu'ils m'ont prêté."

Sur la proposition de M. de Balan, la Conférence adresse ses remerciements à Mr. Stuart pour les soins qu'il a apportés à la rédaction des Protocoles.

Le présent Protocole est lu et approuvé.

(Signé) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C[illegible]CHTMEISTER.

Annexe au Protocole No. 12.

[illegible] *de la Conférence de Londres du 25 Avril jusqu'au 22 Juin,* 1864.

[illegible] du Gouvernement de Sa Majesté Britannique, les Plénipotentiaires [illegible]ne, de Danemark, et de France, de la Confédération Germanique, [illegible]Russie, et de Suède et Norvège, se sont réunis en Conférence, à [illegible]e s'entendre sur les arrangements à prendre d'un commun accord, [illegible] entre le Danemark et l'Allemagne.

[illegible]ion a eu lieu le 25 Avril.

[illegible]e un compte exact de la situation relative des belligérants à cette [illegible]ter un regard sur la carte et de rappeler en peu de mots les [illegible]dé l'ouverture de la Conférence.

[illegible]t été militairement occupé par les troupes Fédérales, [illegible] décrétée par la Diète de Francfort. Cette occupation, il faut le [illegible]ctuée sans coup férir, le Roi Chrétien IX ayant résolu de ne point [illegible]e des armes à une mesure prise par la Confédération Germanique, dont il deva[illegible]aître l'autorité en qualité de Duc de Holstein.

Au mois de Février, une armée Austro-Prussienne franchit l'Eider pour prendre possession du Duché de Slesvig, comme un gage matériel de l'exécution des engagements contractés par le Gouvernement Danois en 1851 et 1852.

Après une lutte courageuse mais inégale, les troupes Danoises s'étaient repliées jusqu'au nord du Jutland.

Un combat longtemps indécis se livrait encore devant la position fortifiée de Düppel. Elle venait d'être emportée par les troupes Prussiennes, la veille du jour fixé pour l'ouverture des Conférences.

Au même moment, la garnison Danoise, abandonnant librement la forteresse de Frédéricia, avait livré aux alliés la clé de la position du Jutland.

A l'exception de l'extrémité septentrionale de cette province, au nord du Lime Fiord,—toute la partie continentale de la Monarchie Danoise se trouvait ainsi au pouvoir des alliés, à l'époque où les Plénipotentiaires allaient entrer en délibération afin d'arriver au rétablissement de la paix.

Vaincu sur terre ferme, le Danemark maintenait sa supériorité en mer. Sa marine bloquait les ports et capturait les navires marchands des Puissances Allemandes.

En représaille des pertes essuyées par leur commerce, les alliés faisaient retomber sur les habitants du Jutland une contribution de guerre évaluée à 650,000 écus, ou 90,000 livres sterling.

Tel était l'état des choses au 25 Avril.

Le premier soin des Plénipotentiaires de la Grande Bretagne a eu pour objet d'inviter les belligérants à consentir à une suspension des hostilités ; mesure préalable également réclamée dans l'intérêt de l'humanité et dans celui des négociations confiées aux soins de la Conférence.

Cette proposition, faite par le Comte Russell dans la séance du 25 Avril, a été appuyée unanimement par les Plénipotentiaires de France, de Russie, et de Suède.

Une discussion prolongée s'est engagée sur la suspension simultanée des hostilités par terre et sur mer. Le Gouvernement Danois a insisté d'abord sur le maintien du

blocus, qu'il considérait comme l'équivalent de l'occupation des Duchés par les troupes alliées.

L'insuffisance des pouvoirs dont les Plénipotentiaires des Puissances belligérantes se sont trouvés munis, s'est fait sentir une première fois durant ce débat. La nécessité de recourir à de nouvelles instructions de Copenhague, de Berlin, et de Vienne, a occasionné des délais qui ont interrompu les travaux de la Conférence de la manière la plus regrettable pour le succès de ses délibérations.

La rapidité même des communications télégraphiques s'est trouvée insuffisante pour vaincre cette difficulté! On s'en persuadera lorsqu'on saura que les voies de correspondance directe étant interdites aux Plénipotentiaires du Danemark, par l'état de guerre, ils ont été obligés de correspondre avec leur Gouvernement par la route de St. Pétersbourg, de la Laponie et de Stockholm.

Ces circonstances expliquent comment il se fait que la question de la suspension des hostilités, abordée le 25 Avril, n'a été résolue que dans la troisième séance, le 9 Mai, après une perte de temps de deux semaines.

Nous abrégerons le récit de ce long débat. Dans l'opinion des Représentants des Puissances neutres il eût été préférable de conclure un armistice régulier, d'une certaine durée, afin de laisser aux négociations toute la latitude nécessaire. Les Cours de Prusse et d'Autriche se sont montrées prêtes à consentir à cette proposition. Le Cabinet Danois n'a point voulu y adhérer, car les mesures de représailles par mer étant les seules qui fussent au pouvoir du Danemark, il est facile à comprendre que les Plénipotentiaires Danois n'aient pas voulu priver leur Gouvernement de cette arme, pendant un espace de temps trop prolongé, surtout dans la Baltique, où la navigation est de courte durée.

Nous indiquons cette considération dans un esprit de stricte équité, quelque nuisible que fut pour la négociation elle-même la restriction apportée par le Danemark à la suspension des hostilités.

Le Gouvernement Danois l'a limitée à quatre semaines, savoir, du 12 Mai au 12 Juin.

Le Protocole No. 3 détermine les conditions de cette trêve. Elles peuvent se résumer en ces termes:—

"Il y aura suspension d'hostilités sur mer et par terre, à dater du 12 Mai, pour l'espace d'un mois;

"Le même jour le Danemark levera les blocus;

"La Prusse et l'Autriche s'obligent, pendant la suspension des hostilités, à ne pas entraver, dans les parties du Jutland occupées par leurs armées le commerce, ni les communications, ni la marche régulière de l'administration; à ne point lever de contributions de guerre, mais à payer au contraire tout ce qui serait fourni aux troupes Allemandes, qui continueront seulement à occuper leurs positions stratégiques actuelles;

"Les parties belligérantes conviennent qu'elles conserveront leurs positions militaires respectives sur terre et par mer; et s'interdisent de les renforcer pendant la suspension des hostilités;

"Notification officielle en sera faite aux Commandants des forces belligérantes de terre et de mer par leurs Gouvernements respectifs."

Cette notification n'est pas arrivée à temps pour empêcher le combat naval qui a eu lieu à peu de distance de l'Ile d'Heligoland. Mais les coups de canon échangés entre les forces respectives ont été les derniers depuis cette époque jusqu'à ce jour.

La Conférence n'a pas à regretter d'avoir offert aux belligérants, et procuré au commerce, cet intervalle de sécurité et de repos.

Après avoir obtenu ce premier résultat, les Plénipotentiaires de la Grande Bretagne ont proposé de procéder, dans la prochaine séance, à la discussion de préliminaires de paix.

Dans ce but, le 12 Mai Lord Russell, après avoir rappelé l'adhésion donnée par les Cours de Vienne et de Berlin à la proposition de se réunir en Conférence à Londres pour aviser aux moyens de rétablir la paix, a reconnu qu'il appartenait à MM. les Plénipotentiaires d'Autriche et de Prusse d'exposer les motifs qui ont engagé leurs Gouvernements à occuper une grande partie du territoire Danois, et de faire connaître les intentions de leurs Cours en vue du rétablissement d'une paix solide.

En réponse à cet appel, M. le premier Plénipotentiaire de Prusse a cru devoir déclarer que les Puissances Allemandes, avant d'entrer en discussion sur les conditions du rétablissement de la paix avec le Danemark, doivent faire observer qu'elles regardent "le terrain de la discussion comme entièrement libre de toute restriction résultant d'engagements qui peuvent avoir existé avant la guerre entre leurs Gouvernements et le Danemark." "En revendiquant ainsi pour elles-mêmes une entière liberté de discussion et la faculté de faire telles propositions qu'elle jugeront de nature à assurer

une pacification solide et durable, les Puissances Allemandes n'entendent exclure aucune combinaison qui pourra servir à faire atteindre ce but, sans porter préjudice à des droits acquis."

Les développements dans lesquels MM. les Plénipotentiaires des Cours Allemandes sont entrés à ce sujet durant les séances du 12 et du 17 Mai ont mis au grand jour une divergence complète d'opinion entre tous les Membres de la Conférence quant à la validité des engagements résultant du Traité de Londres de 1852.

MM. les Plénipotentiaires de la Grande Bretagne ont maintenu le respect dû aux obligations réciproques contractées par toutes les Puissances signataires de ce Traité. Ils ont fait observer que quoique la guerre puisse, à la rigueur, dissoudre un Traité entre deux Puissances devenues belligérantes, elle ne saurait dégager ces Puissances de leurs obligations envers les autres Puissances cosignataires du même Traité. Ils ont démontré qu'avant de déchirer cet Acte il faudrait justifier cette décision par des raisons satisfaisantes. Enfin avant de se départir d'une transaction il faudrait dire par quoi on prétend le remplacer.

Le Plénipotentiaire de Russie s'est énoncé entièrement dans le même esprit. "Il a maintenu qu'avant d'abandonner un Traité qui a été ratifié par les Puissances signataires, dans l'intérêt général de l'Europe, il faudrait donner des raisons jugées satisfaisantes d'un commun accord. Ces raisons devraient être bien graves. Le Traité de 1852 a eu pour objet de consolider la paix du Nord et de sauvegarder l'équilibre Européen. Il a été conclu non seulement entre les Puissances actuellement en guerre, mais entre toutes les Puissances qui y ont participé. Leurs Représentants, réunis aujourd'hui en Conférence, sont libres assurément d'échanger leurs idées sur de nouvelles combinaisons à adopter, pourvu qu'elles soient de nature à offrir à la paix de l'Europe des garanties équivalentes à celles sur lesquelles repose aujourd'hui le système de l'équilibre général."

M. le Ministre de Suède, en adhérant au point de vue développé par le Plénipotentiaire de Russie, a fait observer que comme Plénipotentiaire d'une des Puissances signataires du Traité de 1852, il doit maintenir cette base de négociation jusqu'à ce qu'il soit prouvé qu'elle est insuffisante pour atteindre le but de la Conférence actuelle; qu'avant de l'abandonner il faut tout au moins connaître la nature exacte des arrangements que l'on propose d'y substituer.

M. l'Ambassadeur de France, animé des mêmes dispositions conciliantes, a demandé aux Plénipotentiaires Allemands si, dans le cas où les arrangements de 1851 et de 1852 ne seraient pas susceptibles d'être maintenus, ils ne croiraient pas possible d'y substituer de nouvelles combinaisons, sans s'écarter du cercle tracé par les stipulations du Traité.

M. de Quaade a soutenu que son Gouvernement regarde le Traité de 1852 comme étant toujours en vigueur. M. le Baron de Beust a constaté que sa validité n'a jamais été reconnue par la Confédération.

En présence de doctrines aussi divergentes, on ne pouvait guère s'attendre à parvenir à un résultat conforme à la pensée de conciliation et de paix dans laquelle le Gouvernement de Sa Majesté Britannique avait invité les Cabinets à se faire représenter en Conférence à Londres.

Cependant, quelque incertain que parût, dès l'origine, l'espoir d'arriver à une conclusion satisfaisante, les Plénipotentiaires de la Grande Bretagne, dans un complet accord avec les Plénipotentiaires des Puissances neutres, n'en persistèrent pas moins dans leurs efforts afin d'amener un rapprochement entre les deux parties belligérantes.

Animé par ce désir, le Comte Russell a ouvert la séance du 17 Mai par rappeler l'engagement pris par M. le Comte de Bernstorff d'annoncer les bases de pacification que les Cours d'Autriche et de Prusse se proposaient de soumettre à la Conférence.

Le Protocole No. 5 expose les moyens que les Plénipotentiaires Allemands ont considérés comme les plus propres à amener une pacification solide et durable. Selon l'expression de M. le Comte de Bernstorff, "c'est une pacification qui assure aux Duchés des garanties absolues contre le retour de toute oppression étrangère, et qui en excluant ainsi pour l'avenir tout sujet de querelle, de révolution, et de guerre, garantisse à l'Allemagne la sécurité dans le Nord, dont elle a besoin pour ne pas retomber périodiquement dans l'état de choses qui a amené la guerre actuelle. Ces garanties ne sauraient être trouvées que dans l'indépendance politique complète des Duchés étroitement unis par des institutions communes."

Les Plénipotentiaires des Puissances neutres n'ont pas considéré ce programme comme positif, clair, et satisfaisant. Ils ont jugé nécessaire d'inviter MM. les Plénipotentiaires Allemands à présenter leur plan sous une forme plus précise.

M. le Comte Apponyi a répondu, "que la proposition comprend l'autonomie complète des Duchés, avec des institutions communes et une entière indépendance sous le rapport politique et administratif, afin d'éviter les complications qui ont eu lieu

jusqu'à présent. Quant à la question de la Succession, elle est restée ouverte, la Diète n'ayant fait qu'en suspendre la solution, sans se prononcer sur les droits du Roi de Danemark."

M. le Comte de Clarendon n'a pas pu s'empêcher de dire que la proposition des Plénipotentiaires Allemands est tellement vague qu'aucun membre de la Conférence ne peut en saisir la portée.

Le langage de M. le Plénipotentiaire de la Confédération Germanique a été plus explicite :—

"Il a cru devoir rappeler qu'il ne s'est pas associé à la proposition faite par les Plénipotentiaires de l'Autriche et de la Prusse; et que, sans en être chargé par ses instructions, il ne peut s'empêcher d'affirmer officieusement que la majorité de la Diète ne consentira point à un arrangement qui, même sous une forme éventuelle ou conditionnelle, rétablirait une union entre les Duchés et le Danemark."

Que fallait-il conclure de l'ensemble de ces explications? Il en résultait que dans la pensée des Cours de Vienne et de Berlin il s'agissait de rendre les Duchés complètement indépendants sous le rapport politique et administratif, de laisser subsister un lien dynastique entre les Duchés et la Monarchie Danoise; mais de subordonner ce lien dynastique à la décision que la Diète de Francfort porterait sur la validité des titres du Roi Chrétien IX en sa qualité de Duc de Holstein.

Pour achever de caractériser le mérite de ce programme, mis en avant au nom de l'Autriche et de la Prusse, il importe de constater que le Plénipotentiaire de la Confédération Germanique a cru devoir ne point s'y associer. Finalement, ce Ministre a affirmé que la majorité de la Diète refuserait son adhésion à un arrangement qui, même sous une formelle conditionelle, rétablirait une union entre les Duchés et le Danemark!

Ces explications n'ont point permis aux Plénipotentiaires Danois de donner leur assentiment à un semblable programme. Aussi n'ont-ils pas hésité à le déclarer entièrement inadmissible.

Ce refus a mis fin à la première combinaison, proposée par MM. les Plénipotentiaires Allemands en vue de rétablir une paix solide et durable.

La séance du 28 Mai a été ouverte par une seconde proposition présentée par MM. les Plénipotentiaires d'Autriche et de Prusse. Ce plan, encore plus inattendu que le premier, a eu pour objet de demander la séparation complète des Duchés de Slesvig et de Holstein du Royaume de Danemark, et leur réunion dans un seul Etat sous la souveraineté du Prince Héréditaire de Slesvig-Holstein-Sonderbourg-Augustenbourg.

Le Protocole No. 6 expose les raisons qui ont déterminé l'Ambassadeur de Russie à manifester son dissentiment à l'égard de la proposition de MM. les Plénipotentiaires des Cours d'Allemagne de détacher de la Monarchie Danoise le Holstein et le Slesvig en entier, et de placer cet Etat sous une dynastie nouvelle.

D'abord, selon lui, de quel droit disposerait-on de ces contrées? Elles sont occupées de fait par les alliés. De droit, elles ne leur appartiennent point.

Quant à la combinaison dynastique dont la proposition des Cours d'Allemagne fait mention, l'Ambassadeur de Russie a fait observer qu'elle préjugerait une question qui ne saurait être résolue isolément. Elle n'est pas encore ouverte pour celles des Puissances qui tiennent le Traité de Londres pour obligatoire. De plus, à son avis, Monseigneur le Prince d'Augustenbourg n'est pas le seul qui ait des prétentions à élever. Lorsque la question de Succession dans le Holstein viendrait à s'ouvrir, d'autres droits réclameraient un examen sérieux. Notamment Monseigneur le Grand Duc d'Oldenbourg aurait à faire valoir de justes titres. Le Plénipotentiaire de Russie s'est fait un devoir de les réserver.

Le refus que MM. les Plénipotentiaires du Danemark ont opposé au plan proposé par MM. les Plénipotentiaires Allemands est conçu en ces termes :—

"Si le Gouvernement Danois a trouvé que la proposition de la séance précédente était inadmissible, à plus forte raison lui est-il impossible de discuter celle-ci."

Deux combinaisons mises en avant le 17 et le 28 Mai venaient d'être écartées ainsi l'une après l'autre sans que la négociation eût fait un seul pas en avant, tandis que la suspension des hostilités s'avançait vers son terme. Dans cet état des choses les Plénipotentiaires de la Grande Bretagne ont pensé que le moment était arrivé où il fallait ne plus tarder à ouvrir aux belligérants la voie qui pouvait les conduire à une transaction honorable. Ils ont reconnu qu'à moins de poser les bases d'une paix solide et durable, il n'appartenait point aux Puissances neutres de renoncer au Traité de Londres. Elles ne pouvaient pas non plus concourir à un nouvel arrangement, insuffisant pour l'Allemagne, ou humiliant pour le Danemark. Enfin, les Plénipotentiaires de la Grande Bretagne se sont montrés profondément pénétrés de la conviction qu'il fallait d'une part porter respect au sentiment national avec lequel les Danois savent maintenir l'indépen-

dance et l'honneur de leur ancienne Monarchie, de l'autre donner, dans la mesure du possible, une juste satisfaction aux sympathies qui unissent de tout tems les populations d'origine Allemande, qui habitent les deux rives de l'Eider.

C'est dans ces éléments de conciliation et de concorde que Lord Russell a recherché les moyens d'effectuer entre les belligérants un rapprochement désirable. Dans ce but il a donné lecture de la déclaration suivante:—

"Les Plénipotentiaires de la Grande Bretagne ont vu avec un vif regret que la dernière séance de la Conférence n'a pas eu pour résultat d'établir les bases d'un accord entre l'Allemagne et le Danemark.

"Selon nous on ne saurait pas trouver les éléments d'une paix solide et durable, ni dans les engagements de 1851, lesquels pendant douze ans n'ont porté d'autre fruit que dissentiments et troubles, ni dans l'analyse d'un droit obscur et compliqué.

"Mais à moins de pouvoir poser les bases d'une paix solide et durable, il n'est pas de la compétence des Puissances neutres de renoncer au Traité solennel par lequel elles ont reconnu l'intégrité de la Monarchie Danoise, et elles ne pourraient non plus concourir à un nouvel arrangement qui serait insuffisant pour l'Allemagne, ou humiliant pour le Danemark.

"Il faut donc chercher ailleurs les éléments d'une paix solide et durable.

"Depuis de longues années une vive sympathie envers leurs frères sujets du Roi de Danemark anime les Allemands de la Confédération Germanique. Les Danois, de leur côté, sont inspirés par l'amour de l'indépendance et le désir de maintenir leur ancienne Monarchie. Ces sentiments, de part et d'autre, méritent le respect de l'Europe.

"Pour prévenir une lutte future, et pour satisfaire à l'Allemagne, il faudrait, selon nous, séparer entièrement de la Monarchie Danoise, le Holstein, le Lauenbourg, et la partie méridionale du Slesvig.

"Pour justifier un sacrifice aussi vaste de la part du Danemark, et pour maintenir l'indépendance de la Monarchie Danoise, il est à désirer, selon nous, que la ligne de la frontière ne soit pas traçée plus au nord que l'embouchure de la Slei et la ligne du Dannewerke.

"Il faut aussi pour la sécurité du Danemark que la Confédération Germanique n'érige et ne maintienne pas des forteresses, ni n'établisse pas des ports fortifiés, dans le territoire cédé par le Danemark.

"Un arrangement équitable de la dette publique, et la renonciation par l'Autriche, la Prusse, et la Confédération Germanique, à tout droit d'ingérence dans les affaires intérieures du Danemark, serviraient à compléter les relations amicales entre l'Allemagne et le Danemark.

"Il reste une question qui ne serait pas l'objet du Traité de Paix, mais qui intéresse l'Allemagne et ne peut pas être passée sous silence. Dans l'opinion des Plénipotentiaires de la Grande Bretagne, il doit être entendu que la destinée future du Duché de Holstein, du Duché de Lauenbourg, et de la partie méridionale du Duché de Slesvig qui sera annexée au Duché de Holstein, ne sera pas réglée sans leur consentement.

"Si le Roi de Danemark consent aux sacrifices de territoire qu'au nom de la paix on lui demande, il sera juste que l'indépendance de son Royaume soit garantie par les Grandes Puissances Européennes."

Ce plan, préalablement communiqué aux Représentants des Puissances neutres, a obtenu depuis leur plus cordial appui dans la Conférence.

L'adhésion de M. le Plénipotentiaire de France a été exprimée en ces termes:—

"Les idées que M. le Principal Secrétaire d'Etat vient d'exposer, relativement aux principes d'après lesquels devrait être réglée l'affaire Dano-Allemande, s'accordent pleinement avec les vues que j'étais chargé moi-même de soutenir dans la Conférence. Après avoir étudié les causes du conflit actuel, mon Gouvernement est demeuré convaincu qu'elles résidaient dans la mauvaise distribution des différents groupes de population dont la Monarchie Danoise est composée, ainsi que dans leurs rivalités incessantes, et qu'il était, dès lors, nécessaire de rechercher les bases d'une entente dans des dispositions nouvelles plus en harmonie avec le sentiment national des deux peuples. L'arrangement dont M. le Principal Secrétaire d'Etat nous indique les bases, consistant à départager, autant que possible, les deux nationalités dans le Slesvig, en incorporant les Danois au Danemark, et en reliant plus étroitement les Allemands au Holstein et au Lauenbourg, ne pouvait donc manquer de rencontrer l'adhésion du Gouvernement de l'Empereur. L'application de ce principe ne semble pas, au surplus, devoir donner lieu à aucune difficulté pour les deux parties extrêmes du Slesvig, où la nationalité se trouve nettement déterminée. Quant aux districts mixtes du centre, de quelque manière que l'on décide de leur sort, il y aura toujours là des Danois soumis à un pays Allemand ou des Allemands soumis au Danemark. Devant l'impossibilité absolue

de prendre, sur ce point, la nationalité pour règle, nous pensons qu'il serait juste de trancher le différend en faveur de la plus faible des parties, surtout quand elle subit déjà les sacrifices que cette règle lui impose sur tous les points où elle est manifestement contre elle. Mon Gouvernement considère également comme essentiel que la frontière soit tracée conformément aux nécessités de la défense du Danemark, car ces nécessités doivent être prises en considération par la Conférence, dont la mission est, en donnant satisfaction aux légitimes réclamations de l'Allemagne, de veiller à ce que les arrangements nouveaux garantissent suffisamment l'indépendance du Danemark et les intérêts de l'équilibre Européen dans le Nord."

L'assentiment du Plénipotentiaire de Russie a été exprimé de la manière ci-après:—

"Dans l'opinion du Cabinet de Russie, il appartient à Sa Majesté le Roi Chrétien IX de se prononcer le premier sur ce qui convient aux intérêts de son pays. Si cet auguste Souverain approuvait les bases de la pacification à conclure, le Cabinet Impérial ne refuserait point son assentiment à une transaction que la Cour de Copenhague aurait librement acceptée.

"Mais, aussi longtemps que les stipulations du Traité de Londres conservent pour le Danemark, comme pour les Puissances neutres, leur force obligatoire, le Plénipotentiaire de Russie doit décliner une délibération, selon lui, prématurée, sur le sort futur de territoires dont Sa Majesté le Roi de Danemark n'a pas fait abandon.

"Si, par la suite, Sa Majesté le Roi Chrétien IX reconçait au Duché de Holstein, la question de la Succession serait ouverte. A l'avis du Plénipotentiaire de Russie, elle ne pourrait recevoir une solution légale qu'en portant respect à la justice de la cause des parties intéressées, qui auraient à faire valoir leurs titres, conformément aux principes du droit public."

L'assentiment de M. le Plénipotentiaire de Suède est contenu dans la déclaration suivante:—

"M. le Comte Wachtmeister a déclaré que son Gouvernement reconnaît, comme la Grande Bretagne, que si les Traités de 1852 doivent être abandonnés, on ne saurait trouver une solution en dehors du principe de la séparation des deux nationalités Danoise et Allemande. Partant de ce point de vue, son Gouvernement aurait trouvé plus naturel que la frontière nouvelle du Danemark fût établie sur l'Eider, parceque ce fleuve a de tout temps séparé le Danemark et l'Allemagne.

"Il est toutefois autorisé à adhérer à la proposition émise par M. le Comte Russell, à condition que la frontière du Danemark ne soit pas placée plus au nord que la Slei et le Dannewirke, que la partie du Slesvig située au nord de cette ligne soit complètement incorporée au Danemark, que l'Allemagne n'ait à l'avenir aucun droit d'immixtion dans les affaires intérieures de cette Monarchie, et que la nouvelle frontière à établir soit placée sous une garantie Européenne.

"Quant aux provinces qui dans l'éventualité susdite seraient cédées par le Roi de Danemark, son Gouvernement entend que leur sort futur ne soit point réglé sans leur consentement, et que la liberté du choix des populations soit entourée de garanties suffisantes."

MM. les Plénipotentiaires Allemands ont accepté le principe du plan de Lord Russell, en réservant à leurs Cours le droit de faire des contre-propositions sur les différentes questions de détail dont se compose l'arrangement projeté.

MM. les Plénipotentiaires du Danemark se sont chargés de porter ce projet à la connaissance de leur Cour, ne doutant point de l'attention sérieuse avec laquelle il serait accueilli.

Cette attente a été justifiée.

Le Protocole du 2 Juin, No. 7, contient la déclaration faite par M. de Quaade d'ordre de sa Cour. Cette pièce manifeste une intention si noble et si élevée que nous croyons devoir en conserver le texte en entier dans le présent compte-rendu des délibérations de la Conférence de Londres:—

"Lorsque, à l'époque de la conclusion du Traité de Londres, le Roi actuel de Danemark accepta le choix qu'on avait fait de sa personne pour succéder éventuellement au Roi régnant alors, la résolution de Sa Majesté avait pour motif principal et décisif le ferme espoir que l'Europe saurait maintenir ce qu'elle avait reconnu et arrêté par ce Traité solennel. Sa Majesté ne voulut point par son refus mettre obstacle à ce que l'intégrité de la Monarchie Danoise reçut un gage ultérieur de stabilité, et elle savait, grâce aux renonciations et aux sacrifices faits par les ayant-droit, qu'elle ne lésait les droits de personne, en acceptant l'offre qu'on lui avait faite.

"Depuis lors les choses ont changé, et Sa Majesté a dû subir un désappointement des plus cruels; malgré ses propres efforts et ceux de son peuple dévoué, son seul soutien

pour faire aboutir une œuvre à laquelle presque toute l'Europe avait concouru, Sa Majesté a dû prendre en considération la possibilité que ses espérances ne seront pas réalisées.

"S'il en devait être ainsi, si réellement les Puissances de l'Europe veulent abandonner le Traité de Londres, Sa Majesté, pour éviter la reprise des hostilités, ne s'opposera pas à une cession territoriale, pourvu toutefois qu'elle obtienne par là non seulement la paix, mais aussi une existence indépendante et parfaitement autonome pour ce qui lui restera de ses Etats, et à la condition que la destinée future des territoires cédés ne soit pas réglée sans leur consentement.

"Le Gouvernement Danois accepte donc en principe la proposition faite à la dernière séance par M. le Comte Russell pour le rétablissement de la paix entre le Danemark et les deux grandes Puissances Allemandes.

"Mais pour que la paix que nous appelons de tous nos vœux apporte une véritable pacification, il faut qu'elle soit sous tous les rapports propre à assurer au Danemark l'indépendance qui lui revient de droit, l'indépendance politique que le Traité de Londres devait lui garantir, et pour la conservation de laquelle le peuple Danois n'a pas hésité à s'engager seul dans une lutte sanglante avec des forces bien supérieures aux siennes.

"Les Plénipotentiaires Danois doivent donc faire observer dès-à-présent qu'il y a dans les sacrifices que l'on veut imposer au Danemark des limites que le Gouvernement Danois ne saurait dépasser.

"Ainsi la nouvelle frontière du Danemark est une question capitale pour ce pays. Il lui faut une frontière qui tienne compte et de ses intérêts militaires et de ses intérêts commerciaux, et cette frontière doit être entourée de garanties suffisantes.

"Il est un autre point sur lequel le Gouvernement Danois se réserve toute sa liberté.

"Ce n'est qu'à des conditions toutes spéciales que Sa Majesté le Roi de Danemark consentira à la cession du Duché de Lauenbourg. Ce pays fut acquis en son temps par le Roi de Danemark, en échange d'une partie de la Poméranie, pour servir d'équivalent du Royaume de Norvège sacrifié pour le rétablissement de la paix de l'Europe, et il est essentiellement étranger au différend qui a causé la guerre actuelle.

"Finalement, les Plénipotentiaires Danois doivent revendiquer pour leur Gouvernement la pleine liberté de reprendre la position qu'il a invariablement maintenue jusqu'à présent sur le terrain du Traité de Londres, aussitôt qu'il verra que l'abandon provisoire et conditionnel de cette position ne conduira pas à un arrangement juste et équitable, propre à remplacer les dispositions de ce Traité."

L'Ambassadeur de Russie, au nom des autres Plénipotentiaires des Puissances neutres, s'est empressé de rendre en cette occasion un juste hommage aux intentions de Sa Majesté le Roi de Danemark. Pour replacer les faits dans leur exacte vérité, le Baron de Brunnow a rappelé que les plaintes formées de la part du Holstein et du Lauenbourg, &c., ne datent pas du règne actuel, mais d'une époque antérieure. A peine le Roi Chrétien est-il monté sur le Trône qu'il s'est vu environné de difficultés, devenues plus graves de jour en jour. On ne lui a pas laissé le temps de réparer les fautes du passé ni de calmer les ressentiments qui datent de fort loin. Il serait donc injuste de faire retomber sur son règne la responsabilité de griefs qui ne sont nullement son ouvrage.

Le Protocole du 2 Juin renferme aussi la déclaration par laquelle l'Ambassadeur de Russie a annoncé à la Conférence que l'Empereur, désirant faciliter autant qu'il dépend de lui les arrangements à conclure entre le Danemark et l'Allemagne en vue du rétablissement de la paix, a cédé à Monseigneur le Grand Duc d'Oldenbourg les droits éventuels que le § 3 du Protocole de Varsovie du $\frac{24 \text{ Mai}}{5 \text{ Juin}}$ 1851, a réservés à Sa Majesté comme chef de la branche ainée de Holstein-Gottorp.

Le dit Protocole a été déposé aux actes de la Conférence.

Tous les Plénipotentiaires réunis en Conférence se sont empressés de rendre hommage à l'esprit de conciliation qui a dicté la déclaration de la Cour de Russie.

M. le Baron de Beust, en s'associant à l'expression de ces sentiments, a cru devoir faire au nom de la Confédération les réserves que la Diète jugera nécessaires relativement à l'effet du Protocole de Varsovie, et aux prétentions qui pourraient être fondées sur ce document.

M. le Prince de la Tour d'Auvergne, en rendant une entière justice aux intentions qui ont dicté la déclaration de la Cour de Russie, a saisi cette occasion pour maintenir formellement le point de vue de son Gouvernement, d'après lequel aucun état de choses nouveau ne saurait être établi dans un territoire détaché de la Monarchie Danoise, sans le concours et le consentement des populations, loyalement consultées.

M. de Quaade a fait observer que son Gouvernement regardant le Traité de Londres comme étant toujours en vigueur, la combinaison arrêtée par ce Traité n'est pas encore venue à manquer.

L'Ambassadeur de Russie a résumé les considérations sous l'influence desquelles l'Empereur de Russie a résolu de transférer les droits éventuels de la branche aînée de Holstein-Gottorp, dont il est le Chef, à la branche cadette, représentée par Monseigneur le Grand Duc d'Oldenbourg. Sa Majesté a réservé à ce Souverain de faire valoir ces titres réunis, lorsqu'il jugerait que le moment en serait venu. Membre de la Confédération Germanique, ce Prince serait appelé à élever ses réclamations lui-même dans les voies légales, devant l'autorité Fédérale, dont il relève. L'Empereur de Russie restera étranger à ce litige. Il demeure dégagé désormais de toute intervention directe dans une question de Succession contestée dans le Holstein—question qu'il tient à ne point compliquer. Loin de vouloir aggraver des difficultés qui peuvent retarder le rétablissement de la paix, Sa Majesté cherche à les aplanir.

M. le Plénipotentiaire de Russie, après avoir exposé ces vues, d'ordre de l'Empereur, a ajouté :—

"Je me félicite d'avoir été appelé à exprimer, comme je viens de le faire, les sentiments de Sa Majesté, en déposant aux Actes de la Conférence le Protocole de Varsovie, de l'année 1851. Ce document a donné lieu, plus d'une fois, à de fausses interprétations. Elles seront démenties par la publicité que ne tardera pas à acquérir la déclaration que je viens d'émettre, au nom de l'Empereur. La pensée de conciliation qui préside à la politique de Sa Majesté sera alors généralement connue, de même qu'elle a été appréciée unanimement aujourd'hui, par tous les membres de la Conférence."

Déjà, la tâche confiée à ses soins courait le risque d'être brusquement interrompue par la reprise soudaine des hostilités. Nous étions arrivés au 6 Juin. Il ne restait plus que six jours jusqu'au terme fixé pour la durée de la trève. C'est avec hésitation que le Gouvernement Danois s'est décidé à la prolonger. A la demande réitérée des Plénipotentiaires des Puissances neutres, il a fini par y consentir. Mais il a limité cette prolongation à quinze jours.

L'Autriche et la Prusse, de leur côté, ont éprouvé une répugnance extrême à accepter une trève de si courte durée, tandis qu'elles avaient proposé la conclusion d'un armistice de plusieurs mois.

Après des pourparlers dont nous abrégeons le récit, on est convenu de suspendre les hostilités jusqu'au 26 Juin. Evidemment, ce délai était insuffisant pour laisser à la Conférence les moyens nécessaires d'accomplir sa tâche avec succès.

Les Protocoles du 6 et du 9 Juin attestent la persévérance des efforts employés pour obtenir le consentement du Gouvernement Danois à une cessation d'armes d'une plus longue durée.

Afin de motiver le refus itérativement exprimé d'ordre de sa Cour, M. de Quaade a déclaré plus d'une fois qu'elle ne consentirait pas à une prolongation de la suspension d'hostilités à moins qu'il n'y eût chance sérieuse de tomber d'accord sur un point aussi capital que celui de la frontière.

Cette question spéciale a formé dès lors l'objet principal de la discussion. Elle a été traitée non seulement en Conférence, mais dans des réunions confidentielles qui ont eu lieu entre les Plénipotentiaires des Puissances neutres tantôt avec les Représentants du Danemark, tantôt avec ceux des Puissances Allemandes.

Ces délibérations fréquentes, prolongées et dirigées dans un esprit de sincère bienveillance, ont eu pour objet d'opérer entre les deux parties un rapprochement désirable.

Nous allons indiquer sommairement les résultats de cet essai de conciliation.

La première ligne de démarcation adoptée par le Gouvernement Danois avait été tracée d'Eckernförde à Friedrichstadt, un peu au sud de celle proposée le 28 Mai par les Plénipotentiaires de la Grande Bretagne. Ce n'est que plus tard que les Représentants de Danemark ont été autorisés à adhérer à la ligne de la Slei et Dannewirke. Ils se sont arrêtés là, leurs instructions ne leur permettant pas de se prêter à un autre arrangement quelconque.

La première ligne mise en avant par les Plénipotentiaires de Prusse et d'Autriche a été tracée d'Apenrade à Tonder. Toutefois, M. le Comte de Bernstorff, voulant donner une preuve de ses dispositions conciliantes, s'est montré prêt à recommander à son Gouvernement une seconde ligne qui, en partant d'un point au nord de Flensbourg, aurait abouti au nord de Tonder à Hoyer. Cette seconde ligne aurait eu l'avantage de laisser le Gouvernement Danois en possession de l'Ile d'Alsen.

M. le Comte Apponyi ne s'est pas cru autorisé d'abord à adopter cette seconde ligne. Pourtant, il en a obtenu plus tard la permission. Le Protocole 9 constate toutefois que cette seconde ligne, que le Comte de Bernstorff avait recommandée à son Gouvernement, n'a pas été définitivement adoptée, "puisque de l'autre côté on n'a rien fait jusqu'ici pour venir à la rencontre des propositions Allemandes."

Cette considération a décidé MM. les Plénipotentiaires d'Autriche et de Prusse à revenir finalement à leur première ligne tracée d'Apenrade à Tonder. Cette proposition forme l'extrême limite à laquelle ils ont fini par s'arrêter.

Dans cet état des choses, il restait entre les deux lignes, l'une Danoise, l'autre Allemande, un territoire intermédiaire en litige ; sans qu'il fut au pouvoir des Plénipotentiaires des Puissances neutres de déterminer l'une ou l'autre des deux parties à faire un seul pas en avant pour arriver à une transaction équitable.

Telle était la situation le 18 Juin. Le délai accordé par le Gouvernement Danois pour la suspension d'armes était écoulé à moitié. Il ne restait plus qu'un espace de huit jours pour accomplir l'œuvre de paix confiée aux soins de la Conférence. Voulant persévérer dans cette tâche sans se laisser décourager par les obstacles qu'il rencontrait à chaque instant sur son chemin, le Gouvernement de Sa Majesté Britannique a résolu de faire un dernier essai de conciliation.

Lord Russell, en suggérant cette combinaison, s'est conformé à un vœu hautement exprimé au Congrès de Paris dans l'intérêt du maintien de la paix générale. Ce vœu, manifesté le 14 Avril, 1856, a eu pour objet de recommander aux Cabinets, dans le cas d'un dissentiment grave, de recourir aux bons offices d'un Etat ami, avant d'en appeler à la force.

En se rendant l'organe de cette proposition, Lord Russell s'est énoncé dans les termes que nous allons citer textuellement :—

"Maintenant que la principale question en dispute s'est réduite à celle de tracer une frontière à quelques lieues plus ou moins au nord, quand les deux parties belligérantes ont soutenu avec éclat l'honneur de leurs armes, et quand la reprise des hostilités produirait une phase nouvelle de calamités douloureuses pour l'humanité et peu dignes de la civilisation de notre siècle, les Plénipotentiaires de la Grande Bretagne croient remplir un devoir sacré en proposant aux Puissances belligérantes, c'est-à-dire, à l'Autriche, à la Prusse, et au Danemark, de faire appel à une Puissance amie, afin qu'une ligne de frontière soit tracée, qui ne passerait ni au sud de la ligne indiquée par le Danemark, ni au nord de celle désignée par MM. les Plenipotentiaires Allemandes."

Les Plénipotentiaires des Puissances belligérantes, se trouvant sans instructions spéciales, ont pris cette proposition *ad referendum*.

M. le Comte de Clarendon a cru devoir en préciser le sens afin d'empêcher tout malentendu. Dans ce but il a dit, "qu'il n'admet pas l'interprétation de M. de Krieger que l'on ne saurait pas appliquer la Déclaration du Congrès de Paris, sans faire également appel à la Puissance Médiatrice pour toutes les questions en litige. Il s'agit uniquement du territoire en dispute et de la frontière. L'intention des Plénipotentiaires Anglais est de proposer que cette question du territoire entre les deux lignes indiquées soit soumise à l'arbitrage d'une Puissance amie, les Puissances belligérantes s'engageant à accepter sa décision comme finale."

Dans la même séance MM. les Plénipotentiaires Prussiens ont demandé que les habitants du Schleswig soient consultés au sujet des dispositions à adopter à leur égard, et qu'il ne soit pas décidé du sort d'une partie ou de la totalité de ces populations, sans que préalablement leurs vœux aient été loyalement constatés.

Ce projet a provoqué une discussion que le Plénipotentiaire de Russie a resumé en ces termes :—

"Dans cette réunion, nous choisissons des voies quelquefois divergentes pour arriver à un but qui nous est commun : je veux dire, le rétablissement de la paix. La proposition que MM. les Plénipotentiaires de la Prusse viennent d'émettre dans ce but n'a pas rencontré, au sein de la Conférence, un assentiment unanime. MM. les Plénipotentiaires de la Cour d'Autriche ont constaté en combien leurs vues diffèrent de celle de la Prusse. MM. les Plénipotentiaires de la Grande Bretagne ont prononcé leur dissentiment d'une manière encore plus formelle. J'ai été dans l'obligation de m'exprimer dans le même esprit. M. l'Ambassadeur de France a restreint la question aux districts mixtes, sans l'étendre au delà. M. le Ministre de Suède et Norvège n'a point voulu préjuger à cet égard les intentions des Plénipotentiaires du Danemark. Leur réponse est décisive. Elle décline la proposition Prussienne appuyée par M. le Plénipotentiaire de la Confédération Germanique seul. Le résultat de cette délibération atteste que le mode de la solution indiquée par la Cour de Prusse n'a pas réuni les suffrages de la Conférence."

La Conférence s'est réunie le 22 Juin pour entendre les décisions que les Puissances belligérantes auraient prises à la suite de la proposition faite par le Gouvernement de Sa Majesté Britannique en vue d'en appeler à une Puissance amie pour régler la question de la délimitation, formant actuellement la difficulté principale qui retardait une solution pacifique du litige.

La réponse des Puissances belligérantes n'a pas répondu aux vœux du Gouvernement

de Sa Majesté Britannique. L'Autriche et la Prusse, "tout en se montrant disposées à accepter la médiation d'une Puissance neutre qui n'est pas représentée dans la Conférence, n'ont pas voulu s'engager d'avance à se regarder comme définitivement liées par l'opinion à émettre par la Puissance médiatrice, puisque les circonstances ne leur permettent pas d'accepter une décision arbitrale."

Le Gouvernement Danois a articulé un refus encore plus prononcé. Il a déclaré qu'à son vif regret il se trouve dans l'impossibilité de donner son assentiment à la proposition du Cabinet Anglais. Le Plénipotentiaire du Danemark a motivé ce refus par la nécessité dans laquelle il se trouvait de regarder la délimitation proposée le 28 Mai comme définitive, de manière à ne pas lui permettre d'adhérer à une solution arbitrale qui pouvait modifier cette ligne.

Cette opinion a été combattue par Lord Clarendon. En rétablissant les faits dans leur exacte vérité, il a démontré que la ligne indiquée le 28 Mai a été proposée dans l'intérêt du Danemark et de la paix, et non pas dans l'intention de poser un principe dont on ne pouvait pas se départir.

Le Plénipotentiaire de Russie s'est associé à l'opinion de Lord Clarendon, Il a constaté que Lord Russell n'a jamais eu la pensée de proposer cette ligne comme un ultimatum, ni de l'imposer comme tel aux Puissances belligérantes.

M. l'Ambassadeur de France et M. le Ministre de Suède se sont exprimés dans le même esprit.

Toutes les combinaisons mises en avant pour arriver à un accord sur le tracé de la frontière ayant été malheureusement écartées, le Prince de la Tour d'Auvergne a cru devoir soumettre à la Conférence une nouvelle suggestion. Il s'est exprimé ainsi :—

"Lorsque le Gouvernement de l'Empereur a donné son adhésion au projet de transaction mis en avant par le Principal Secrétaire d'Etat de Sa Majesté Britannique, dans la séance du 28 Mai, il espérait que les efforts réunis des Plénipotentiaires des Puissances neutres, secondés par les dispositions conciliantes des Plénipotentiaires des Puissance belligérantes, parviendraient à amener, entre les parties intéressées, une entente sur le tracé de la ligne de frontière.

"Ces espérances ne se sont malheureusement pas réalisées. Toutes les combinaisons proposées ont été repoussées, et aucun compromis ne semble jusqu'ici avoir chance d'être accepté. Dans cette situation, le Gouvernement de l'Empereur considère comme de son devoir de faire, dans l'intérêt de la paix, une dernière suggestion. C'est en vertu de leur nationalité que les districts septentrionaux du Slesvig doivent être attribués au Danemark et ceux du sud à l'Allemagne. On n'a pas jugé utile de faire un appel au vœu des populations là où ce vœu semblait manifeste ; mais on pourrait le consulter là où il est douteux et où aucun autre moyen n'existerait plus pour établir un accord. Tout en admettant l'impossibilité de prendre la nationalité pour règle absolue, dans le partage des districts mixtes du Slesvig, le Gouvernement de l'Empereur est d'avis, cependant, que l'on devrait demander à un vote des communes les éléments d'appréciation auxquels on conviendrait de s'en rapporter. Ce vote par communes permettrait de tenir, dans le tracé définitif de la frontière, le compte le plus exact possible de chaque nationalité.

"Pour qu'il présentât d'ailleurs les garanties désirables, il serait utile d'établir que toute force militaire serait préalablement éloignée, et que les suffrages seraient exprimés en dehors de toute pression. Chaque Puissance pourrait, en outre, envoyer des délégués sur les lieux afin de constater la parfaite sincérité du scrutin."

Lord Russell, en demandant l'opinion de MM. les Plénipotentiaires Danois sur cette proposition, a dit que quant aux Plénipotentiaires Anglais, ils seraient tout disposés à s'y rallier, si le Gouvernement Danois croyait pouvoir y donner son adhésion.

M. de Quaade a répondu qu'il se trouvait naturellement sans instructions à ce sujet, et qu'il ne saurait consentir à la prendre même *ad referendum*. Il a rappelé sa déclaration du 2 Juin, dans laquelle il a dit que son Gouvernement ferait de grands sacrifices pour arriver au rétablissement de la paix, mais qu'il y avait des limites qu'il ne pouvait dépasser ; et les instructions dont il est muni lui défendent de consentir à aucune autre ligne qu'à celle proposée par MM. les Plénipotentiaires Anglais dans la séance du 28 Mai, et acceptée par le Danemark.

Cette déclaration a terminé le débat. Elle a indiqué en même temps l'obstacle que les efforts les plus persévérants des Puissances neutres n'ont pas été à même de surmonter.

C'est devant cette difficulté invincible que les travaux de la Conférence de Londres viennent de s'arrêter.

(Translation.)

Protocol No. 12.—*Sitting of June* 25, 1864.

Present:

The Plenipotentiaries of Austria;
The Plenipotentiaries of Denmark;
The Plenipotentiary of France;
The Plenipotentiary of the Germanic Confederation;
The Plenipotentiaries of Great Britain;
The Plenipotentiaries of Prussia;
The Plenipotentiary of Russia;
The Plenipotentiary of Sweden and Norway.

THE Protocol of the preceding sitting is read and approved.

Earl Russell reads the following declaration:—

"The belligerent Powers are on the eve of resuming hostilities. This determination puts an end to the deliberations, the object of which was the restoration of peace.

"Although this object has not been attained, it is my duty to do justice to the efforts which the Plenipotentiaries assembled in Conference have made to arrive at a pacific conclusion, and at the same time to point out the circumstances which have prevented the accomplishment of this work of conciliation.

"With this view, the Plenipotentiaries of Great Britain deposit to-day among the archives of the Conference a summary of the proceedings which commenced on the 25th of April, and which terminate on the 25th of June.

"This narrative shows the importance which the Representatives of the neutral Powers have attached, since the opening of the Conference, to the maintenance of the reciprocal engagements resulting from the Treaty of London of the 8th of May, 1852. It shows also their unanimous resolution not to depart from those engagements before having devised, by mutual agreement, new arrangements calculated to provide guarantees for the peace of Europe, equivalent to those which were the result of the European Act concluded in 1852.

"With this intention the Plenipotentiaries of France, of Great Britain, of Russia, and of Sweden and Norway, have devoted their efforts to bringing about an equitable arrangement, designed to preserve henceforth the independence of the Danish Monarchy, since an unequal contest has inflicted an inevitable injury on the integrity of that State.

"The bases of that arrangement having been accepted in principle by the belligerent Powers, the arrangement of the questions of detail which this plan, cordially supported by the neutral Powers, comprised, remained to be settled.

"The difference, thus reduced within narrow limits, would have admitted of a successful solution, if the decision of an impartial Power, to which it was recommended by Her Britannic Majesty's Government to appeal, had been accepted with mutual confidence.

"This hope is not to be realized. The narrative which I am about to deposit in the archives of the Conference will point out the circumstances which have forbidden the accomplishment of a plan of conciliation supported by the neutral Powers and suggested to Her Britannic Majesty's Government by a sincere desire to prevent the recurrence of the calamities of war.

"Public opinion will see with regret that the hopes of peace have vanished, because the parties directly engaged in this dispute have been unable to come to an understanding with regard to the tracing of a frontier, leaving a difference of some square miles of territory more or less to the south or north. Public opinion will also recognize that a few days more devoted to reflection, instead of having recourse to arms, might have contributed to calm resentment, to enlighten the belligerents as to their real interests, and to lead the Cabinets to more pacific resolutions.

"To-morrow hostilities will recommence, without the advice of the Powers desirous of peace having succeeded in preventing the renewal of a conflict so deeply to be regretted.

"Whatever may be its issue, the Courts of France, Great Britain, Russia, and Sweden remain none the less animated with a sincere desire to see the Danish Monarchy maintain its independence, as the preservation of that State constitutes an element of the balance of power in the North.

"Their wish, in separating, is that this principle may continue to be the basis of future negotiation."

The summary of the proceedings of the Conference, of which Earl Russell has spoken, is then read, and this document is annexed at his request to the present Protocol.

Count de Bernstorff wishes to say a few words in reply to Earl Russell's declaration. He expresses himself as follows:—

"It is obviously impossible that we should be authorized to make an official reply to the declaration which the President of the Conference has just read, and with the contents of which we were not previously acquainted, but I think that, without in any way binding my Government with reference to events which belong to the future, and to eventualities which cannot be calculated beforehand, I may remark at once that it was never the intention of my Government to threaten the political independence of Denmark, but that the sole question in dispute has always been that of the Duchies."

Baron de Beust inquires what is the object of the summary which has been read.

The Earl of Clarendon replies that it is an account of the sittings of the Conference which has been drawn up by mutual agreement by the Plenipotentiaries of the neutral Powers, and which involves no responsibility on the part of the Plenipotentiaries of the other Powers represented in the Conference.

The Plenipotentiaries of the belligerent Powers, as well as the Plenipotentiary of the Germanic Confederation, expressly reserve to themselves the right and the power of replying to it.

Count Apponyi says that he has, on his part, a declaration to make, which it becomes, in his opinion, doubly necessary to read after the summary which has just been communicated to the Conference. His declaration is intended to defend the rights and the responsibility of the Governments of Austria and Prussia. He states, moreover, that the absence of objections on the part of the Plenipotentiaries of the German Powers to the acceptance of this summary as an Annex to the Protocol, in no way implies their adhesion to the contents of this document.

Similar reservations are made by the Plenipotentiaries of Denmark; and M. de Krieger claims for the eventual reply of his Government the same publicity as that which will be given to the above-mentioned Annex.

Count Apponyi then reads the following declaration in the name of the Plenipotentiaries of the allied Courts:—

"During the whole of the deliberations of the Conference, the result of which has unfortunately not been in accordance with the pacific object which it had in view, the German Powers have not ceased to be animated by that spirit of peace and of conciliation which induced them to accept the invitation of Her Britannic Majesty's Government to meet in Conference in London to devise means for the restoration of peace.

"The insurmountable obstinacy with which the Danish Government withdrew from the engagements which they had contracted, and refused to do justice to the German subjects of the King-Duke, inflicted a severe wound on the national honour of Germany. After every means of conciliation, employed with persevering patience, had been exhausted, Federal Execution in Holstein, the occupation of Schleswig, and finally war by Austria and Prussia against Denmark, became inevitable.

"After a succession of sanguinary contests, the mainland of Denmark fell into the hands of the allied Powers, and the public voice of Germany loudly demanded the complete abolition of the tie which united Schleswig and Holstein to Denmark, and the conversion of the two Duchies into an independent German State, under its proper dynasty.

"Notwithstanding this, Austria and Prussia did not hesitate to come to the Conference with declarations which were not directed in principle against the integrity of the Danish Monarchy, but only demanded that the point of right in the question of Succession should not be prejudged, and that the political and administrative independence of the Duchies should be secured.

"It was Denmark who peremptorily rejected as inadmissible the idea of a personal union. Persisting in its fatal tendency to incorporate Schleswig, the Court of Copenhagen rejected the only conditions on which the allied Powers could have consented with honour to the continuation of the union of the Duchies with Denmark.

"From that moment the principle of the separation of the Duchies from the Danish Crown became necessary for the German Powers, and the principal condition of peace.

"Even in this new phase of the negotiations, their conciliatory dispositions were in no way diminished. The great importance which the inhabitants of Schleswig and Holstein attach to the integrity of the two Duchies, and to their union in one undivided State, is well known. These sentiments are deserving of respect, and it was therefore a considerable sacrifice which Austria, Prussia, and the Germanic Confederation made from a desire for the restoration of peace, in consenting to cede a part of the northern

territory of Schleswig to the Crown of Denmark as a compensation for His Danish Majesty's surrender of the Duchy of Lauenburg.

"The conciliatory disposition of the German Powers did not stop here. The peace which seemed now to depend on an understanding on the subject of the tracing of the frontier, might have been concluded if Denmark had not raised pretensions which would have restored to her the capital itself of the country which the German arms had released from her rule, and the integral union of which with Holstein Germany had a right to claim.

"It was Austria and Prussia, too, who during the whole course of the negotiations, and at every opportunity, insisted on the necessity of a prolongation of the suspension of arms, or the conclusion of a formal armistice, in order that the work of pacification might not be incessantly compromised by the continual and imminent danger of the renewal of hostilities. On this subject, also, the conduct of our adversaries has been quite different. Denmark refused the proposal of the neutral Powers for the conclusion of an armistice, which would have restored Jutland to her, in exchange for the complete evacuation of Schleswig. She only consented to a suspension of hostilities for one month, and refused to prolong this term, already so short, for more than a fortnight.

"One further fact points out also the moderation which the German Powers have shown to the last. After the Plenipotentiaries assembled in Conference had failed in their efforts to come to an understanding on a line of frontier to be drawn in Schleswig, Austria and Prussia, in conformity with the text and the spirit of the Protocol of Paris of 1856, declared themselves ready to continue these negotiations in the form of a mediation entrusted to a neutral Sovereign, not represented in the Conference. This last means of arriving at an understanding, the acceptance of which would have naturally resulted in the continuation of the suspension of hostilities, again offered by the German Powers, was equally rejected by Denmark.

"There remains consequently but one duty for the German Powers to perform, it is that of solemnly declaring that they decline, in the name of their Governments, the responsibility of the blood which will be shed and of the evils which will result from the renewal of the war. This responsibility cannot fall on the Powers whom they have had the honour to represent in this Conference."

Count de Bernstorff follows this mutual declaration by an additional declaration of the Prussian Plenipotentiaries, expressed in these terms:—

"It only remains for us to add to what Count Apponyi has just said in the name of the Plenipotentiaries of the two German Powers, that we also made, in the last sitting but one of the Conference, a proposal which was essentially calculated to bring about a pacific solution of the question which occupied our attention, and that, moreover, we declared ourselves ready in the last sitting to take the proposal of the Ambassador of France *ad referendum*, but that the two proposals in question were absolutely rejected by the Danish Plenipotentiaries."

M. de Quaade must, in his name and in that of his colleague, decline for his Government all responsibility for the failure of the negotiation, and the blood which may be shed. He affirms that "Denmark in contributing to the work of pacification, has been deterred by no sacrifice compatible with her own existence, and that the Danish Government are consequently convinced that they have no reason to reproach themselves if an understanding has not been arrived at. The situation in which events have placed the Danish Government is very different from that of the German Powers, and if allowance is made for this difference, a judgment quite contrary to that formed by the German Powers will be passed on the conduct of the Danish Government."

The first Plenipotentiary of Denmark then reads the following declaration:—

"When the Danish Government received the invitation of Her Britannic Majesty's Government to a Conference, the object of which was the restoration of peace, they were under the conviction that the Treaty concluded a few years before, and designed to afford a further pledge of stability to the integrity of the Danish Monarchy as an essential condition of the balance of power in Europe, would be maintained by the concurrence of all who had taken part in its conclusion.

"The Treaty of London of May 8, 1852, was not conditional or hypothetical; it did not depend on the adhesion of a third party.

"The Treaty made no alteration in the relations between Sleswig and the Danish Crown, with which that country has been incorporated for more than a century; nor did it make any alteration in the relations between the Duchies of Lauenburg and of Holstein, and the Germanic Confederation, to which the King of Denmark belongs as regards Holstein and Lauenburg; and it did not give to the Germanic Confederation any kind

of competence other than that which it possessed in virtue of the Federal Act and of the subsequent resolutions legally taken in consequence of that Act. As regards Sleswig, particularly, the Germanic Diet had already recognized in 1823 that that Duchy was perfectly free from any influence on the part of the Germanic Confederation.

"Not only all the non-German Sovereigns, but also (with scarcely one exception) all the more considerable, and some of the less considerable, States of Germany took part in the conclusion of the Treaty of London, or subsequently adhered to that Treaty. No Federal Resolution can liberate the German States from the obligations which they have thus taken; the Germanic Confederation cannot release any one of the Sovereigns represented in the Federal Assembly from the obligations contracted by them in the most solemn manner. A contrary practice would entirely overthrow the principle of European international law on which the existence of the Confederation is based.

"The authority of the Germanic Confederation is limited by Treaties, by the Federal Act, and by the subsequent resolutions taken legally in consequence of that Act. Its members are not legally subjected to any vote of the majority. The Danish Government have never recognized the legality of the reasons on which the Confederation based the resolution of Execution which was carried into effect in Holstein during the last winter; but they did not at the time think fit to oppose it by force, and in the same manner they submitted to the altogether illegal suspension of the King's authority in Lauenburg.

"Prussia and Austria have invaded by armed force the non-German countries of the King of Denmark. Those Powers commenced this war, alleging as a reason that the King of Denmark had arbitrarily withdrawn from the performance of certain obligations contracted with Prussia and Austria.

"Denmark, ready to account for her actions, herself solicited a mediation in conformity with the Declaration of Paris. She subsequently accepted the invitation to a Conference, supposing that the transactions, the pretended violation of which had afforded a pretext for the invasion, would also afford a basis for the negociations. The Danish Government are persuaded that if a discussion had taken place on this basis, it would have been proved that it is not Denmark who has arbitrarily withdrawn from the performance of her obligations; they think rather that it would have been shown that it is Germany which has rendered it impossible for the King to execute the intentions which the German Governments engaged themselves not to oppose. This discussion has been rejected by Prussia and Austria, and instead of availing themselves of the opportunity which still offered to effect an amicable arrangement, they have attempted to withdraw from the European obligations created by the Treaty of London.

"The Danish Plenipotentiaries need not now dilate on the state of things which has been the consequence of the attitude thus assumed by the German Powers. The Danish Government had indulged in the hope that the sacrifices which they had declared themselves ready to make in accepting the proposal of the 28th of May last would be sufficient for the restoration of peace; but that hope not having been realized, it only remains for the Danish Plenipotentiaries to refer to the reservation recorded in the conclusion of their declaration of the 2nd of June, and they are instructed expressly to declare that in virtue of that reservation the Danish Government resume from this moment, on the ground of the Treaty of London of May 8, 1852, the position which they had only abandoned provisionally from their desire for peace, and on the condition that the peace to be concluded should be adapted to replace the provisions of that Treaty.

Baron de Beust expressed himself in these terms:—

"The task which was imposed on me on coming to the Conference consisted principally in maintaining intact a question of right. The Conference has, I hope, understood how much its accomplishment has tended to limit my personal disposition to show myself conciliatory and to enter on the path of arrangement. But I flatter myself that I have never forgotten the consideration which seemed to me to be necessary in order to avoid wounding susceptibilities. I regret the more that it is only at the conclusion of our deliberations that the first Plenipotentiary of Denmark has raised questions on which I was unwilling to enter, and which I should at least have wished to discuss sooner. Since, however, the Treaty of 1852 is to be reverted to, I will also indulge in a few observations on this subject. It is not for me to decide on the question whether, after all that has passed in the Conference, the Treaty of London can be regarded as intact, although it appears to me that either a Treaty is valid or it is not, and that from the moment that the contrary has been proposed and accepted, it can no longer be pretended that it is so. It is sufficient, according to my views, that the Confederation has never adhered to it. I now hear the adhesions of the German Governments quoted. Such adhesions did, in fact, take place; reservations also were made, as, for example, that of Saxony with regard

to the competency of the Diet. But let me be allowed to go further. I have never denied that in principle the object of the Treaty of London was a desirable one; some German Governments have themselves admitted this, but the steps which were required to bring it into force should have been taken. If the Danish Government had taken advantage of the first years after the conclusion of the Treaty to grant to the Duchies the benefit of a paternal Government, if they had respected their constitution, and above all respected the free use of the German language, no doubt they would have suceeeded in obtaining the consent of the agnates, of the States, and of the Confederation, and then it is hardly probable that convulsions would have taken place at the death of His Majesty King Frederick VII. But things having happened differently, the Diet has had to give its decision under circumstances which rendered all adhesion impossible.

"The German Governments have been compelled to remember their Federal duties, and I deny that the policy of the Confederation ought to be guided by the policy of the various Governments. As to the statement which Count Apponyi has read, I consider it to be in conformity with the truth: if a further proof were required to show that the two German Powers have shown themselves conciliatory, it would be found in an assimilation between the declarations of their Plenipotentiaries and mine.

"Finally, as regards the summary which has been read, as I cannot consider it as complete, nor concur in the views expressed in it, I must beg that my silence may not be regarded as assent. Each Plenipotentiary is free in his turn to submit in the proper quarter a summary of the proceedings of the Conference."

Count Apponyi proposes that the Conference should, before separating, offer its thanks to Earl Russell. He expresses himself as follows:—

"Gentlemen,—At the moment of closing our deliberations, I feel that I express the sentiments of all the Plenipotentiaries in offering, in their name, to Earl Russell the warm thanks of the Conference for the spirit of conciliation and the courtesy with which he has directed its labours.

"Whatever may be the result of our meetings we shall none the less all of us retain a pleasant recollection of the personal kindness of our President."

This proposal having been unanimously adopted, Earl Russell thanks the Conference in the following terms:—

"I thank the Plenipotentiaries for the honour which they have done me.

"It is through the assistance and support which they have afforded me that our discussions have been conducted in the spirit of moderation and courtesy which was necessary for the perfect freedom with which our opinions have been expressed.

"I perform an agreeable duty in expressing to my colleagues in the Conference my gratitude for the support they have given me."

At the proposal of M. de Balan the Conference offers its thanks to Mr. Stuart for the care which he has devoted to the drawing up of the Protocols.

The present Protocol is read and approved.

(Signed) APPONYI.
BIEGELEBEN.
G. QUAADE.
BILLE.
KRIEGER.
LA TOUR D'AUVERGNE.
BEUST.
RUSSELL.
CLARENDON.
BERNSTORFF.
BALAN.
BRUNNOW.
LE C^TE. WACHTMEISTER.

Annex to Protocol No. 12.

Summary of the Deliberations of the Conference of London, from the 25th of April to the 22nd of June, 1864.

AT the invitation of the Government of Her Britannic Majesty, the Plenipotentiaries of the Courts of Austria, Denmark, and France, of the Germanic Confederation, of the Courts of Prussia, Russia, and Sweden and Norway, met in Conference in London with the object

of coming to an understanding respecting the arrangements to be made by mutual agreement in order to re-establish peace between Denmark and Germany.

The first meeting took place on the 25th of April.

In order to come to a thorough understanding of the relative situation of the belligerents at this period, it is sufficient to cast a glance at the map, and to recall in a few words the events which had preceded the opening of the Conference.

The Duchy of Holstein had been in military occupation of the Federal troops, in virtue of a measure decreed by the Diet of Frankfort. This occupation, it must be stated, was effected without a blow being struck; King Christian IX having resolved not to oppose by force of arms a measure taken by the Germanic Confederation, whose authority he was bound to recognize in the quality of Duke of Holstein.

In the month of February an Austro-Prussian army crossed the Eider to take possession of the Duchy of Sleswig as a material guarantee for the execution of the engagements contracted by the Danish Government in 1851 and 1852.

After a courageous but unequal struggle, the Danish troops fell back as far as the north of Jutland.

A combat, long undecided, was still going on before the fortified position of Düppel. It was carried by the Prussian troops on the eve of the day fixed for the opening of the Conferences.

At the same moment the Danish garrison, abandoning voluntarily the fortress of Fredericia, delivered the key of the position of Jutland to the allies.

With the exception of the northern extremity of this province, to the north of the Lime Fiord, all the continental portion of the Danish Monarchy was thus in the power of the allies, at the time when the Plenipotentiaries were about to enter into deliberation in order to arrive at the re-establishment of peace.

Conquered on land, Denmark maintained her superiority on the sea. Her navy blockaded the ports and captured the merchant-vessels of the German Powers.

In reprisal for the losses sustained by their commerce, the allies levied on the inhabitants of Jutland a contribution of war estimated at 650,000 crowns, or 90,000*l.* sterling.

Such was the state of things on the 25th of April.

The first care of the Plenipotentiaries of Great Britain was to invite the belligerents to consent to a suspension of hostilities; a preliminary measure equally called for by the interests of humanity and of the negotiations confided to the care of the Conference.

This proposal made by Earl Russell in the meeting of the 25th of April, was unanimously supported by the Plenipotentiaries of France, Russia, and Sweden.

A prolonged discussion took place as to the simultaneous suspension of hostilities by land and sea. The Danish Government at first insisted on the maintenance of the blockade, which they considered as an equivalent for the occupation of the Duchies by the allied troops.

The insufficiency of the powers with which the Plenipotentiaries of the belligerent Powers were furnished, made itself felt for the first time during this debate. The necessity of having recourse for fresh instructions to Copenhagen, to Berlin, and to Vienna, has occasioned delays which have interrupted the labours of the Conference in a manner much to be regretted as regards the success of its deliberations.

Even the rapidity of telegraphic communication was found insufficient to overcome this difficulty. This will be admitted when it is known that the route for direct correspondence being closed to the Danish Plenipotentiaries by the state of war, they were obliged to correspond with their Government by the route of St. Petersburgh, Lapland, and Stockholm.

These circumstances explain how it was that the question of the suspension of hostilities, brought forward on the 25th of April, was not settled till the third sitting, on the 9th of May, after a fortnight's loss of time.

We will shorten the account of this long debate. In the opinion of the Representatives of the neutral Powers it would have been preferable to conclude a regular armistice of a certain duration, in order to leave all necessary latitude for negotiation. The Courts of Prussia and Austria declared themselves ready to consent to this proposal. The Danish Cabinet would not adhere to it; for reprisals by sea being the only measures within the power of Denmark, it is easy to understand that the Danish Plenipotentiaries did not wish to deprive their Government of this arm during too prolonged a period, above all in the Baltic, where the navigation is of short duration.

We point out this consideration in a spirit of strict equity, however injurious the restrictions imposed by Denmark on the suspension of hostilities might be to the negotiation itself.

The Danish Government limited it to four weeks, namely, from the 12th of May to the 12th of June.

Protocol No. 3 determines the conditions of this truce. They may be resumed in these terms:—

"Hostilities shall be suspended by sea and by land, from the 12th of May, for the space of a month;

"On the same day Denmark shall raise the blockades;

"Prussia and Austria engage, during the suspension of hostilities, not to impede, in the parts of Jutland occupied by their armies, either the commerce, or the communications, or the regular course of the administration; not to raise contributions of war, but, on the contrary, to pay for all that may be furnished to the German troops, who shall simply continue to occupy their present strategical positions;

"The belligerent parties agree to preserve their respective military positions by sea and land, and engage not to reinforce them during the continuance of the suspension of hostilities;

"Official notification shall be made to the Commanders of the belligerent forces by sea and land by their respective Governments."

This notification did not arrive in time to prevent the naval combat which took place at a short distance from the Island of Heligoland. But the cannon-shots exchanged between the respective forces were the last from that to the present time.

The Conference has no cause to regret its having offered to the belligerents, and procured for commerce, this interval of security and repose.

After having obtained this first result, the Plenipotentiaries of Great Britain proposed to proceed in the next sitting to the discussion of the preliminaries of peace.

With this object, Lord Russell, on the 12th of May, after having referred to the adhesion of the Courts of Vienna and Berlin to the proposal to assemble in Conference in London, in order to devise means for the restoration of peace, recognized that it belonged to the Plenipotentiaries of Austria and Prussia to explain the motives which induced their Governments to occupy a large portion of the Danish territory, and to make known the intentions of their Courts with a view to the re-establishment of a solid peace.

In reply to this appeal, the first Plenipotentiary of Prussia thought it his duty to declare that the German Powers, before entering into a discussion on the conditions for the re-establishment of peace with Denmark, think it right to observe that they consider "the ground of discussion as entirely free from any restriction resulting from engagements which may have existed before the war between their Governments and Denmark. Whilst thus claiming for themselves full liberty of discussion, and the power of making such proposals as they may consider to be of a nature to ensure a solid and lasting pacification, the German Governments do not mean to exclude any combination which may tend to attain that object, without prejudicing acquired rights."

The explanations which were given by the Plenipotentiaries of the German Courts on this subject in the sittings of May 12 and 17 clearly brought to light a complete divergence of opinion existing between all the members of the Conference with regard to the validity of the engagements resulting from the Treaty of London of 1852.

The Plenipotentiaries of Great Britain maintained the respect due to the reciprocal obligations contracted by all the Powers who were parties to that Treaty. They observed that though, strictly speaking, war may put an end to a Treaty between two Powers who have become belligerents, yet it cannot release those Powers from their obligations to the other Powers who joined in the signature of the same Treaty. They showed that before destroying this act that decision ought to be justified by satisfactory reasons. In short, before abandoning an agreement, it ought to be understood what was intended to take its place.

The Plenipotentiary of Russia expressed himself exactly to the same purpose. "He maintained that before abandoning a Treaty which has been ratified by the Powers who signed it in the general interests of Europe, it would be necessary to bring forward reasons which should be generally agreed upon as satisfactory. These reasons must be very grave ones. The Treaty of 1852 was concluded with the object of consolidating the peace of the North, and preserving the balance of power in Europe. It was concluded not only between the Powers actually at war, but also between all the Powers who were parties to it. Their Representatives, now met in Conference, are assuredly at liberty to exchange their ideas as to new combinations to be adopted, provided that they are of a nature to offer guarantees for the peace of Europe equivalent to those on which the system of the balance of power now rests."

The Minister of Sweden, while adhering to the line of argument of the Plenipotentiary

of Russia, observed that, as the Plenipotentiary of one of the Powers who signed the Treaty of 1852, he must maintain that basis of negotiation until it should have been proved that it was insufficient to enable them to attain the object of the present Conference; that, before abandoning it, it was at least necessary to be acquainted with the exact nature of the arrangements which it was proposed to substitute for it.

The Ambassador of France, animated by the same conciliatory disposition, asked the German Plenipotentiaries if, in case the arrangements of 1851 and 1852 should not admit of being maintained, it would not be possible, in their opinion, to substitute for them fresh combinations without departing from the circle traced out by the stipulations of the Treaty.

M. de Quaade maintained that his Government considered the Treaty of 1852 as being still in force. Baron de Beust observed that its validity had never been recognized by the Confederation.

In the presence of such divergent doctrines there was little expectation of being able to arrive at a result at all in conformity with the thoughts of conciliation and peace with which Her Britannic Majesty's Government had invited the Cabinets to cause themselves to be represented in a Conference in London.

Nevertheless, however uncertain the hope of arriving at a satisfactory conclusion appeared from the beginning, the Plenipotentiaries of Great Britain, in entire accord with the Plenipotentiaries of the neutral Powers, did not the less persevere in their efforts to bring about an agreement between the two belligerent parties.

Animated by this desire Earl Russell opened the sitting of May 17, by recalling the engagement entered into by Count Bernstorff to announce the bases of pacification which the Courts of Austria and Prussia proposed to submit to the Conference.

Protocol No. 5 sets forth the means which the German Plenipotentiaries considered as the best adapted to bring about a solid and durable pacification. To use the words of Count Bernstorff, "it is a pacification which assures to the Duchies absolute guarantees against the return of any foreign oppression, and which, by thus excluding for the future any subject of dispute, of revolution, and of war, guarantees to Germany that security in the North which she requires in order not to fall periodically into the state of affairs which brought on the present war. These guarantees can only be found in the complete political independence of the Duchies, and their close connection by means of common institutions."

The Plenipotentiaries of the neutral Powers did not consider this programme as positive, clear, and satisfactory. They deemed it necessary to invite the German Plenipotentiaries to bring forward their plan in a more precise form.

Count Apponyi replied, "that the proposal comprises the complete autonomy of the Duchies, with common institutions and entire independence in their political and administrative relations, in order to avoid the complications which have hitherto taken place. As to the question of the Succession it remains open, the Diet having only suspended its solution, without pronouncing on the rights of the King of Denmark."

The Earl of Clarendon could not refrain from observing that the proposal of the German Plenipotentiaries was so vague that no member of the Conference could understand its bearing.

The language of the Plenipotentiary of the German Confederation was more explicit:—

"He thought it right to remark that he had not joined in the proposal made by the Plenipotentiaries of Austria and Prussia; and that, although not directed to do so by his instructions, he cannot help affirming officiously that the Diet will not consent to an arrangement which, even under an eventual or conditional form, would restore the union between the Duchies and Denmark."

What was to be concluded from the sum of these explanations? It resulted from them that the idea of the Courts of Vienna and Berlin was to make the Duchies entirely independent in political and administrative matters, to allow a dynastic tie to subsist between the Duchies and the Danish Monarchy, but to make that tie dependent on the decision which the Frankfort Diet might give as to the validity of the titles of King Christian IX in his quality of Duke of Holstein.

To complete the description of the merits of this plan, put forward in the name of Austria and Prussia, it must be stated that the Plenipotentiary of the Germanic Confederation did not feel justified in joining in it. Finally, that Minister affirmed that the majority of the Diet would refuse its adhesion to an arrangement which, even under a conditional form, would re-establish a union between the Duchies and Denmark!

These explanations did not enable the Danish Plenipotentiaries to give their assent to such a plan. They had no hesitation in declaring it entirely inadmissible.

This refusal put an end to the first combination proposed by the German Plenipotentiaries, with a view to the re-establishment of a solid and durable peace.

The sitting of the 28th of May opened with a second proposal brought forward by the Plenipotentiaries of Austria and Prussia. This plan, still more unexpected than the first, had for its object to demand a complete separation of the Duchies of Sleswig and Holstein from the Kingdom of Denmark, and their union in a single State under the Sovereignty of the Hereditary Prince of Sleswig-Holstein-Sonderburg-Augustenburg.

Protocol No. 6 gives the reasons which determined the Ambassador of Russia to express his dissent with regard to the proposition of the Plenipotentiaries of the German Courts to detach from the Danish Monarchy the whole of Holstein and Sleswig, and to place that State under a new dynasty.

In the first place, he said, by what right were those countries to be disposed of? They are occupied in fact by the allies. By right they do not belong to them.

In regard to the dynastic combination mentioned in the proposal of the German Courts, the Ambassador of Russia observed that it would prejudge a question which could not be decided alone, and which was not yet open for those Powers who considered the Treaty of London as binding. Further, in his opinion, the Prince of Augustenburg was not the only one who had claims to assert. When the question of the Succession of Holstein came to be opened, other rights would be entitled to serious examination. Especially the Grand Duke of Oldenburg would have just claims to assert. The Plenipotentiary of Russia considered it his duty to reserve them.

The refusal with which the Plenipotentiaries of Denmark met the plan proposed by the German Plenipotentiaries was expressed in the following terms:—

"If the Danish Government considered the proposal of the preceding sitting inadmissible, so much the more is it impossible for them to discuss this one."

Two combinations brought forward on the 17th and 28th of May had thus been, one after the other, rejected, without the negotiation having advanced a single step, while the suspension of arms was approaching its termination. In this state of things, the Plenipotentiaries of Great Britain thought that the moment had arrived when there should be no further delay in opening to the belligerents the path which might lead them to an honourable arrangement. They recognized that unless the foundations of a solid and durable peace were laid, it was not for the neutral Powers to renounce the Treaty of London. Neither could they agree to a new arrangement insufficient for Germany or unsatisfactory to Denmark. Finally, the Plenipotentiaries of Great Britain showed that they were deeply imbued with the conviction that, on the one hand, respect must be paid to the national sentiment with which the Danes know how to maintain the independence and honour of their ancient Monarchy, and, on the other, fair satisfaction should, as far as possible, be given to the sympathies which from time immemorial have united the populations of German origin who inhabit the two banks of the Eider.

Lord Russell sought in these elements of conciliation and concord the means of effecting between the belligerents the desired reconciliation. With this object he read the following declaration:—

"The Plenipotentiaries of Great Britain have seen with deep regret that the last sitting of the Conference has not resulted in the establishment of the bases of an agreement between Germany and Denmark.

"In our opinion the elements of a solid and durable peace can neither be found in the engagements of 1851, which during twelve years have borne no other fruit than dissensions and troubles, nor in the analysis of an obscure and complicated law.

"But unless it is possible to lay down the bases of a solid and durable peace, it is not competent for the neutral Powers to renounce the solemn Treaty by which they recognized the integrity of the Danish Monarchy, neither could they concur in a new arrangement which would be insufficient for Germany, or humiliating for Denmark.

"The elements of a solid and durable peace must therefore be sought elsewhere.

"For many years a lively sympathy for their brethren who are subject to the King of Denmark has animated the Germans of the Germanic Confederation. The Danes, on their side, are inspired by the love of independence, and the desire of maintaining their ancient Monarchy. These sentiments on either side deserve the respect of Europe.

"In order to prevent a future contest, and to satisfy Germany, it would be necessary, in our opinion, entirely to separate Holstein, Lauenburg, and the southern part of Sleswig from the Danish Monarchy.

"To justify so vast a sacrifice on the part of Denmark, and to maintain the independence of the Danish Monarchy, it is desirable, in our opinion, that the line of the frontier should not be drawn more to the north than the mouth of the Slei and the line of the Dannewerke.

"It is also necessary for the security of Denmark that the Germanic Confederation should not erect or maintain fortresses, nor establish fortified ports in the territory ceded by Denmark.

"An equitable arrangement of the public debt and the renunciation by Austria, Prussia, and the Germanic Confederation of all right of interference in the internal affairs of Denmark, would serve to complete the friendly relations between Germany and Denmark.

"A question remains which would not form the object of the Treaty of Peace, but which interests Germany, and cannot be passed by in silence. In the opinion of the Plenipotentiaries of Great Britain it should be understood that the future destiny of the Duchy of Holstein, of the Duchy of Lauenburg, and of the southern part of the Duchy of Sleswig which will be annexed to the Duchy of Holstein, shall not be settled without their consent.

"If the King of Denmark consents to the sacrifices of territory which are required of him in the name of peace, it would be just that the independence of his Kingdom should be guaranteed by the great European Powers."

This plan, which had been previously communicated to the Representatives of the neutral Powers, received their most cordial support in the Conference.

The adhesion of the Plenipotentiary of France was expressed in the following terms:—

"The ideas which the Principal Secretary of State has just expressed, with regard to the principles according to which the Dano-German affair should be settled, are in full accordance with the views which I was myself instructed to maintain in the Conference. After having studied the causes of the present conflict, my Government have remained convinced that they were attributable to the improper division of the different groups of population of which the Danish Monarchy is composed, as well as to their incessant rivalries, and that it was from that moment necessary to seek for the bases of an agreement in new arrangements more in harmony with the national sentiment of the two races. The arrangement of which the Principal Secretary of State has pointed out to us the bases, consisting in dividing, as far as possible, the two nationalities in Sleswig, incorporating the Danes with Denmark, and uniting the Germans more intimately with Holstein and Lauenburg, could not fail therefore to receive the adhesion of the Government of the Emperor. Moreover, it does not seem that the application of this principle can give rise to any difficulty as regards the two extreme parts of Sleswig, where the nationality is clearly determined. As to the mixed districts of the centre, in whatever manner their fate may be determined, there will always be Danes subject to a German country, or Germans subject to Denmark in them. Considering the absolute impossibility of taking nationality as a rule on this point, we think that it would be just to decide the difference in favour of the weaker party, especially when she is already undergoing the sacrifices which this rule imposes on her in all the points where it is manifestly against her. My Government equally consider it as essential that the frontier should be traced in conformity with the necessities of the defence of Denmark, for these necessities must be taken into consideration by the Conference, whose mission is, whilst satisfying the legitimate claims of Germany, to take care that the new arrangements should sufficiently guarantee the independence of Denmark and the interests of the balance of power in the north of Europe."

The assent of the Plenipotentiary of Russia was expressed in the following manner:—

"In the opinion of the Cabinet of Russia, it is for His Majesty King Christian IX to pronounce himself the first as to what is expedient for the interests of his country. If that august Sovereign approved the bases of the pacification to be concluded, the Imperial Cabinet would not refuse its assent to a transaction which the Court of Copenhagen had freely accepted.

"But, so long as the stipulations of the Treaty of London preserve their binding force for Denmark, as well as for the neutral Powers, the Plenipotentiary of Russia must decline a deliberation, which in his opinion is premature, as to the future fate of the territories which His Majesty the King of Denmark has not surrendered.

"If, subsequently, His Majesty King Christian IX were to surrender the Duchy of Holstein, the question of the Succession would be open. In the opinion of the Plenipotentiary of Russia, it could only receive a legal solution by paying due respect to the justice of the cause of the parties interested, who would have to assert their titles, in conformity with the principles of international law."

The assent of the Plenipotentiary of Sweden was contained in the following declaration:—

"Count Wachtmeister declared that, like Great Britain, his Government recognize that if the Treaties of 1852 must be abandoned, no solution could be found except on the principle of the separation of the two nationalities, Danish and German. Starting from this point of view, his Government would have considered it more natural that the new frontier of Denmark should have been established on the Eider, as this river has always separated Denmark and Germany.

"He is, however, authorized to adhere to the proposal put forward by Lord Russell, on condition that the frontier of Denmark shall not be drawn more to the north than the Slei and the Dannewirke; that the part of Sleswig situated to the north of this line shall be completely incorporated with Denmark; that Germany shall in future have no right of interference in the internal affairs of that Monarchy; and that the new frontier to be established shall be placed under a European guarantee.

"As to the provinces which in the aforesaid eventuality would be ceded by the King of Denmark, his Government expect that their future destiny will not be decided without their consent, and that the freedom of choice of the population will be protected by sufficient guarantees."

The German Plenipotentiaries accepted the principle of Lord Russell's plan, reserving to their Courts the right of making counter-propositions on the various questions of detail of which the projected arrangement was composed.

The Plenipotentiaries of Denmark undertook to bring this project to the knowledge of their Court, having no doubt of the serious attention with which it would be received.

This expectation was justified.

The Protocol of June 2, No. 7, contains the declaration made by M. Quaade by order of his Court. This document evinces such noble and exalted intentions, that we think it right to preserve its text in full in this record of the deliberations of the Conference of London: —

"When, at the time of the conclusion of the Treaty of London, the present King of Denmark accepted the choice which had been made of his person to succeed eventually to the King then reigning, the principal and decisive motive for His Majesty's resolution was the firm hope that Europe would know how to maintain what she had recognized and resolved by that solemn Treaty. His Majesty would not by his refusal prevent the Danish Monarchy from receiving a further pledge of stability, and he knew, thanks to the renunciations and sacrifices made by the rightful claimants, that he infringed the rights of no one by accepting the offer which had been made to him.

"Since then things have changed, and His Majesty has been subjected to a most cruel disappointment. Notwithstanding his own efforts, and those of his devoted people, his sole support in carrying out a work in which almost all Europe had concurred, His Majesty has been compelled to consider the possibility of his hopes not being realized.

"If such is to be the case, if really the Powers of Europe wish to abandon the Treaty of London, His Majesty, to prevent the resumption of hostilities, will not oppose a territorial cession, provided always that he obtains thereby, not only peace, but also an independent and perfectly autonomous existence as regards the remainder of his States, and on condition that the future destiny of the territories ceded be not decided without their consent.

"The Danish Government accept, therefore, in principle the proposal made in the last sitting by Earl Russell for the re-establishment of peace between Denmark and the two great German Powers.

"But in order that this peace, so earnestly desired by us, may bring with it a true reconciliation, it is necessary that it should be in every respect adapted to secure to Denmark the independence which belongs to her of right, the political independence which the Treaty of London was meant to guarantee to her, and for the preservation of which the Danish people have not hesitated to engage singlehanded in a sanguinary conflict with forces far superior to their own.

"The Danish Plenipotentiaries must, therefore, at once observe that there are limits to the sacrifices which it is desired to impose upon Denmark which the Danish Government cannot exceed.

"Thus the new frontier of Denmark is a vital question for that country. She requires a frontier which shall provide for both her military and her commercial interests, and that frontier must be protected by sufficient guarantees.

"There is another point on which the Danish Government reserve to themselves full liberty.

"It is only on special conditions that His Majesty the King of Denmark will consent to the cession of the Duchy of Lauenburg. That country was acquired at the time by

the King of Denmark in exchange for a part of Pomerania, to serve as an equivalent for the Kingdom of Norway, which was sacrificed for the re-establishment of the peace of Europe, and it is essentially unconcerned in the dispute which has caused the present war.

"Finally, the Danish Plenipotentiaries must claim for their Government full liberty to resume the position which they have invariably maintained until now on the ground of the Treaty of London, as soon as they may find that the provisional and conditional abandonment of that position will not conduce to a just and equitable arrangement, adapted to replace the provisions of that Treaty."

The Ambassador of Russia, in the name of the other Plenipotentiaries of the neutral Powers, hastened to render on this occasion just homage to the intentions of His Majesty the King of Denmark. To replace the facts exactly as they stood, Baron de Brunnow called attention to the fact that the complaints made on the part of Holstein and of Lauenburg, &c., do not date from the present reign, but from a previous period. Scarcely had King Christian mounted the Throne when he found himself surrounded by difficulties, becoming more threatening from day to day. Time was not left to him to repair the faults of the past, or to calm the antipathies dating from a very distant period. It would, then, be unjust to throw upon his reign the responsibility of misfortunes which are in no degree its work.

The Protocol of June 2 contains also the declaration by which the Ambassador of Russia announced to the Conference that the Emperor, desiring to facilitate, as far as depends on him, the arrangements to be concluded between Denmark and Germany with a view to the re-establishment of peace, has ceded to Monseigneur the Grand Duke of Oldenburg the eventual rights which Section 3 of the Protocol of Warsaw of $\frac{\text{May 24}}{\text{June 5}}$ 1851, reserved to His Majesty as Chief of the elder branch of Holstein-Gottorp.

The said Protocol was deposited in the archives of the Conference.

All the Plenipotentiaries assembled in Conference hastened to render homage to the spirit of conciliation which dictated the declaration of the Court of Russia.

Baron de Beust whilst joining in the expression of these sentiments, thought it his duty to make, in the name of the Confederation, the reservations which the Diet might consider necessary relative to the effect of the Protocol of Warsaw, and to the pretensions which might be founded on that document.

The Prince de la Tour d'Auvergne, whilst rendering entire justice to the intentions which dictated the declaration of the Court of Russia, seized the opportunity to maintain formally the views of his Government, according to which no new state of things could be established in a detached territory of the Danish Monarchy, without the concurrence and the consent of the populations, loyally consulted.

M. de Quaade observed that as his Government regard the Treaty of London as being still in force, the combination settled by that Treaty has not yet failed.

The Ambassador of Russia recapitulated the considerations under the influence of which the Emperor of Russia has resolved to transfer the eventual rights of the elder branch of Holstein-Gottorp, of which he is the Chief, to the younger branch, represented by Monseigneur the Grand Duke of Oldenburg. His Majesty has reserved to this Sovereign to establish their joint titles, whenever he may consider that the moment for it should have arrived. As a member of the Germanic Confederation, that Prince would be called on to assert his claims himself in the legal course, before the Federal authority on which he depends. The Emperor of Russia will remain unconcerned in this suit. He is henceforward free from any direct intervention in a question of contested Succession in Holstein—a question which he is anxious not to complicate. Far from wishing to aggravate the difficulties which may retard the re-establishment of peace, His Majesty seeks to diminish them.

The Plenipotentiary of Russia, after having explained these views, by order of the Emperor, added:—

"I congratulate myself on having been called upon to express, as I have just done, the sentiments of His Majesty, in depositing the Protocol of Warsaw of the year 1851 among the archives of the Conference. That document has given rise, more than once, to false interpretations. They will be contradicted by the publicity which the declaration I have just made in the name of the Emperor will not fail to acquire. The spirit of conciliation which presides over His Majesty's policy will then be generally known, as it has been unanimously appreciated to-day by all the members of the Conference."

Already the task confided to its care ran the risk of being rudely interrupted by the sudden resumption of hostilities. We had arrived at the 6th of June. There remained only six days up to the term fixed for the duration of the truce. It was with hesitation that the Danish Cabinet decided to prolong it. At the reiterated request of the Plenipo-

tentiaries of the neutral Powers, they ended by consenting to it. But they limited this prolongation to a fortnight.

Austria and Prussia, on their side, felt extreme repugnance to accepting a truce of such short duration, when they had proposed the conclusion of an armistice of several months.

After discussions, the record of which we abridge, it was agreed to suspend hostilities till the 26th of June. Clearly, this period was insufficient to leave to the Conference the necessary means of accomplishing its task successfully.

The Protocols of the 6th and the 9th of June attest the perseverance of the efforts employed to obtain the consent of the Danish Government to a cessation of arms of a longer duration.

In order to explain the refusal repeatedly pronounced by order of his Court, M. de Quaade declared more than once that it could not consent to a prolongation of the suspension of hostilities unless there should appear to be a fair probability of agreement upon a point so vital as that of the frontier.

This particular question has formed from that time the main subject of discussion. It has been discussed not only in Conference, but in meetings held confidentially by the Plenipotentiaries of the neutral Powers, both with the Representatives of Denmark and with those of the Germanic Powers.

These frequent deliberations, prolonged and directed by a feeling of sincere friendliness, have had for their object to bring about a desirable reconciliation between the two parties.

We will indicate briefly the results of this attempt at conciliation.

The first line of demarcation adopted by the Danish Government had been traced from Eckernförde to Frederichstadt, a little to the south of the line proposed on the 28th of May by the Plenipotentiaries of Great Britain. It was only at a later period that the Representatives of Denmark were authorized to adhere to the line of the Slei and the Dannewirke. They stopped there, their instructions not permitting them to entertain any other arrangement whatever.

The first line of demarcation put forward by the Plenipotentiaries of Prussia and Austria was traced from Apenrade to Tonder. Nevertheless, Count Bernstorff, wishing to give a proof of his desire for conciliation, declared his readiness to recommend to his Government a second line which should be drawn from a point to the north of Flensburg and would terminate to the north of Tonder at Hoyer. This second line would have had the advantage of leaving the Danish Government in possession of the Island of Alsen.

Count Apponyi did not at first consider himself authorized to adopt this second line. Subsequently, however, he obtained permission to do so. The Protocol No. 9, however, states that this second line which Count Bernstorff had recommended to his Government was not definitively adopted, "because hitherto no steps had been taken on the other side to meet the German proposals."

This consideration decided the Plenipotentiaries of Austria and Prussia to recur finally to their first line traced from Apenrade to Tonder, and this proposition forms the extreme limit at which they have finally taken their stand.

In this state of things there remained between the two lines—the one Danish and the other German—an intermediate territory in dispute, and it was not in the power of the Plenipotentiaries of the neutral Powers to induce either one or the other of the two parties to advance a single step towards an equitable arrangement.

Such was the situation on the 18th of June. One half of the period granted by the Danish Government for the suspension of arms had elapsed. There remained but a space of eight days to accomplish the work of peace confided to the Conference. Wishing to persevere in this task without permitting themselves to be discouraged by the obstacles which they encountered at every step, the Government of Her Britannic Majesty resolved upon a last attempt at conciliation.

In suggesting this arrangement, Lord Russell conformed to a desire earnestly expressed at the Congress of Paris in the interest of the maintenance of a general peace. This desire, enunciated on the 14th April, 1856, had for its object to recommend to the Cabinets, in the event of a serious misunderstanding, to have recourse to the good offices of a friendly State before appealing to force.

In making himself the organ of this proposition, Lord Russell expressed himself in the following terms, which we quote verbally:—

"Now that the principal question in dispute has been reduced to the tracing a frontier some miles more or less to the north, when the two belligerent parties have brilliantly sustained the honour of their arms, and when the renewal of hostilities would produce

a new series of calamities, disastrous to humanity, and unworthy of the civilization of our age, the Plenipotentiaries of Great Britain think it their bounden duty to propose to the belligerent Powers, namely, to Austria, to Prussia, and to Denmark, that a friendly Power should be appealed to, in order that a line of frontier may be traced, which should neither pass to the south of the line indicated by Denmark, nor to the north of that designated by the German Plenipotentiaries."

The Plenipotentiaries of the belligerent Powers, being without special instructions, took this proposition *ad referendum*.

The Earl of Clarendon thought proper to explain its meaning, so as to prevent any misunderstanding. With this object, he said, "that he did not admit the interpretation of M. de Krieger that the Declaration of the Congress of Paris is not applicable unless an appeal is also to be made to the mediating Power with regard to all the questions in dispute. The disputed territory and the frontier are alone in question. The intention of the English Plenipotentiaries is to propose that the question of the territory between the two lines pointed out should be submitted to the arbitration of a friendly Power, the belligerent Powers engaging to accept its decision as final.

In the same sitting the Plenipotentiaries of Prussia demanded that the inhabitants of Schleswig should be consulted upon the arrangements to be adopted with regard to them, and that the fate of a part or of the whole of those populations should not be decided without their wishes being first properly declared.

This project gave rise to a discussion which the Plenipotentiary of Russia summed up in these terms:—

"In this meeting we sometimes choose divergent paths in order to arrive at an object which is common to us all; I mean the restoration of peace. The proposal which the Plenipotentiaries of Prussia have just made with this object has not met with an unanimous assent in the Conference. The Plenipotentiaries of the Court of Austria have stated how far their views differ from those of Prussia. The Plenipotentiaries of Great Britain have pronounced their dissent in a manner still more formal. I have been compelled to express myself in the same spirit. The Ambassador of France has limited the question to the mixed districts, without extending it beyond them. The Minister of Sweden and Norway has been unwilling to prejudge in this respect the intentions of the Plenipotentiaries of Denmark. Their reply is decisive. It declines the Prussian proposal, which is supported by the Plenipotentiary of the Germanic Confederation alone. The result of this deliberation proves that the manner of solution indicated by the Court of Prussia has not secured the united suffrages of the Conference."

The Conference assembled on the 22nd of June to hear the decisions which the belligerent Powers had taken upon the proposal made by the Government of Her Britannic Majesty with the view of calling on a friendly Power to settle the question of boundary, which was now the principal difficulty that delayed the pacific solution of the dispute.

The reply of the belligerent Powers did not respond to the wishes of the Government of Her Britannic Majesty. Austria and Prussia, "while showing themselves disposed to accept the mediation of a neutral Power not represented in the Conference, were not willing to engage beforehand to consider themselves definitively bound by the opinion which might be expressed by the mediating Power, as circumstances did not allow them to accept an arbitrative decision."

The Danish Government expressed a refusal even more decided. They declared that, to their great regret, it was impossible for them to give their consent to the proposal of the English Cabinet.

The Plenipotentiary of Denmark explained this refusal by the necessity which obliged him to regard the boundary proposed on the 28th of May as final, so as not to allow him to agree to an arbitrative decision which might modify that line.

Lord Clarendon combated this opinion. While representing facts in their real light, he showed that the line indicated on the 28th of May had been proposed in the interest of Denmark and of peace, and not with the intention of laying down a principle from which there could be no departure.

The Plenipotentiary of Russia concurred in the opinion of Lord Clarendon. He affirmed that Lord Russell never intended to propose this line as an ultimatum, nor to impose it as such on the belligerent Powers.

The Ambassador of France and the Minister of Sweden expressed themselves in the same sense.

All the combinations brought forward to arrive at an agreement on the line of the frontier having unfortunately been rejected, the Prince de la Tour d'Auvergne thought fit to lay before the Conference a new proposal. He said,—

"When the Government of the Emperor gave their adhesion to the plan of arrangement proposed by Her Britannic Majesty's Principal Secretary of State, in the sitting of the 28th of May, they hoped that the united efforts of the Plenipotentiaries of the neutral Powers, seconded by the conciliatory disposition of the Plenipotentiaries of the belligerent Powers, would succeed in bringing about between the interested parties an understanding as to the tracing of the line of frontier.

"These hopes have unfortunately not been realized. All the arrangements proposed have been rejected, and no compromise seems as yet to have any chance of being accepted. In this position of affairs, the Government of the Emperor consider it their duty to make in the interests of peace a final suggestion. It is in virtue of their nationality that the northern districts of Sleswig are to be assigned to Denmark, and those of the south to Germany. It has not been thought expedient to make an appeal to the wishes of the population where those wishes seem to be manifest; but they might be consulted where they are doubtful, and where no other means exist for establishing an agreement. Whilst admitting the impossibility of taking nationality as an absolute rule in the division of the mixed districts of Sleswig, the Government of the Emperor are, however, of opinion that it would be right to obtain, by means of a vote of the communes, the elements of appreciation on which it should be agreed to base a decision. This vote by communes would allow the most exact account to be taken of each nationality in the definitive tracing of the frontier.

"In order that it might offer in other respects the guarantees desired, it would be well to stipulate that all military forces should previously be withdrawn, and that the votes should be given free from all pressure. Each Power might, moreover, send delegates to the spot, in order to ensure the perfect impartiality of the scrutiny."

Lord Russell, in asking the opinion of the Danish Plenipotentiaries on this proposal, said that as regarded the English Plenipotentiaries, they would be disposed to concur if the Danish Government thought proper to give their adhesion.

M. de Quaade replied that he was of course without instructions on the subject, and that he could not even consent to accept it *ad referendum*. He alluded to his declaration of the 2nd of June, in which he said that his Government would make great sacrifices in order to obtain the restoration of peace, but that there were limits beyond which they could not go, and his instructions forbade him to consent to any other line than that proposed by the English Plenipotentiaries in the sitting of the 28th of May, and accepted by Denmark.

This declaration ended the debate. It showed at the same time the obstacle which the most persevering efforts of the neutral Powers have not been able to overcome.

It is before this insurmountable difficulty that the labours of the Conference of London have come to an end.

Protocols of Conferences held in London relative to the Affairs of Denmark.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON:
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

BETWEEN

AUSTRIA, PRUSSIA, AND DENMARK.

1851—52.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

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Correspondence between Austria, Prussia, and Denmark. 1851—1852.

No. 1.

The Danish Minister for Foreign Affairs to the Danish Ministers at Vienna and Berlin.

(Translation.) *Copenhagen, August* 26, 1851.

I HAVE already had the honour of making your Excellency acquainted preliminarily with the contents of two communications relative to the affairs of Holstein, which were almost simultaneously transmitted at the beginning of this month to the accredited Representatives of the two great German Powers.

These communications, as you will easily understand, have been the more gratifying to the King our most gracious Master, inasmuch as His Majesty has recognized, with real satisfaction, an unequivocal proof of the wise and benevolent intentions of his august allies, in the wish urgently expressed on the part of both Powers that they may very shortly be placed in a situation to restore the entire Government of the Duchy of Holstein to his most august hands.

As to the opinion at the same time expressed on their part that a continuance of the present transitional state is attended with manifold disadvantages, and is by no means compatible with the interests of all parties concerned, we do most fully concur therein, since we, ready as we are to do all justice to the goodwill of both of the Federal Commissioners in Holstein, have from repeated experience come to the conviction, that by the continued participation of the Confederation, or of the Powers which *ad hoc* represent the same, in the government of the Duchy of Holstein, it will be impossible to carry through the measures which still remain to be adopted, on which the quiet transition to the settlement of the affairs of the Duchy depends, in a satisfactory manner: it also is perfectly manifest that the present unsettled state prevents the general pacification of the different Provinces.

This unsatisfactory state of things lies entirely in the nature of the case, and such a situation will, as time advances, become continually more hazardous, since, the continuance of the Federal Commissioners in their functions, and the prolonged occupation by the Confederation after tranquillity actually has been everywhere restored, may indirectly be made use of to develop afresh the lurking spirit of opposition which still exists, inasmuch as under such circumstances it is obviously very easy to place the intervention of the Confederation in the background, and to propagate amongst the population the erroneous notion that the Commissioners and troops of the Confederation are not here for the purpose of restoring the authority of the Sovereign, but rather to protect the supposed rights of the country against him.

These considerations have necessarily made it the more gratifying to us to observe from the aforementioned communications that the necessity for a speedy and complete restoration of legitimate government in Holstein by the recall of the Commissioners and troops of the German Confederation is recognized on the other side also.

But inasmuch as the Courts of Vienna and Berlin (Berlin and Vienna) still appear, for this purpose, to await the further determinations of our Government with regard to the organization plan of the Danish Monarchy, which was communicated to them at the time, and was subsequently discussed by the Assembly of Notables, we must limit ourselves to the observation that His Majesty the King and his Government still consider, now as before, that the intentions displayed in the afore-mentioned proposal as to the future relative position of the Provinces united under His Majesty's sceptre may be taken as the basis and starting-point for the ordering of affairs, but that the ultimate determinations—which, however, can only interest the Confederation so far as they concern the Federal relations of the Duchies of Holstein and Lauenburg—cannot be taken without the most mature deliberation, and not until His Majesty has re-obtained in Holstein also the complete enjoyment of his rights as a Sovereign.

But as the two Governments which have received full powers from the Confederation are anxious, in laying down their commission from the Federal Diet, to be enabled to present a sufficient guarantee for the preservation of the rights of the Confederation, I have not hesitated to request the more specific commands of His Majesty in this respect, and he has most graciously been pleased to direct me to empower you to make this formal declaration, "that His Majesty, so soon as the restoration of the complete rights of Sovereign into His Majesty's hands shall have taken place, intends and has irrevocably resolved to govern the Duchy of Holstein according to legally subsisting laws, to introduce changes in the Constitution of that Duchy only in a constitutional way, and that His Majesty of course never will leave out of sight the relation of Holstein to the German Confederation, or the rights and competencies arising from that relation."

For the rest, the example of Lauenburg is well suited to serve as a type in this respect, inasmuch as the manner after which the old Constitution has there been restored without resorting to any kind of violent measures for preparing the changes which appeared necessary under conservative forms; at once affords the most satisfactory proof of the manner in which His Majesty wishes to proceed in Holstein, when he shall again have obtained there that independence which of right belongs to every member of the German Confederation in the arrangement of the internal affairs of a Federal country.

I request your Excellency as soon as possible to express yourself to his Serene Highness the Prince von Schwarzenberg (to his Excellency Baron von Manteuffel) conformably to the tenour of the foregoing observations; and you are at the same time empowered, at the request of the Minister President, to furnish him with a copy of this communication.

Accept, &c.

Count Plessen. (Signed) REEDTZ.
Count Bille-Brahe.

No. 2.

The Austrian Minister for Foreign Affairs to the Austrian Minister at Copenhagen.

(Translation.)

M. le Baron, *Vienna, September* 9, 1851.

THE re-establishment of the Provincial Estates of Holstein, ordered by His Majesty the King of Denmark, is looked upon by the Imperial Cabinet, as well in its general aspect as in the point of view of German Federal right, as an important and favourable change of the Danish question. But the Danish Ministers will hardly be able, at the moment when the future of their country must be founded anew, to cast their eyes on the position of Denmark and of Europe without being obliged to confess to themselves that that salutary resolution is but a first step made towards the re-establishment of the vital conditions of the Danish Monarchy. The idea of separating Holstein still more from the other Provinces of the Monarchy, in order more closely to unite Schleswig with the Kingdom of Denmark, is repugnant to the principle of the integrity of the Monarchy, for which we are ready to give new guarantees. That idea does not take its rise from the urgent requisitions of the Powers; it arises from a tendency which manifests itself more or less in every country, and which aspires to the formation of a new map of Europe according to nationalities. The steps taken in order to realise that

idea,—steps which have also found their expression in the plan of organization of Count Sponneck, and the evident or hidden object of which is the incorporation of Schleswig with Denmark,—are the results of the innovations of the year 1848, which it would be quite time definitively to restrict also, according to solid principles, to that important part of the North. The Duchy of Schleswig has always been an intermediate link between Denmark and Holstein. Contrary to the policy followed by the Kings of Denmark up to the most recent times, attempts have been made to alienate the institutions of that Duchy from those of Holstein, in order to unite them with the institutions of a democratic Denmark, which trenches upon the permanent interests of the Monarchy no less than upon existing rights.

Lastly, in the part which we are desirous of taking in the re-organisation of the Danish Monarchy, we cannot and will not abandon the rights of the Germanic Confederation, and the position which it holds in the system of European States. These are the conditions for our concurrence in a European guarantee: community for every part of the Monarchy, of the order of Succession, and of the political institutions necessary for the unity of the Monarchy; no incorporation whatever, either expressed or in fact, of Schleswig with Denmark, of Provincial Estates in the Duchy of Schleswig as well as in the Duchy of Holstein; and the settlement of the position of the Duchy of Holstein in the German Confederation in such a manner as shall render it possible to establish amicable relations between that Duchy and Germany. Such are the bases upon which alone it is possible, according to our firmest conviction, to build up the new edifice of the Danish Monarchy, which has been grievously impaired.

You will make such use of this despatch as shall appear to you most convenient in the interest of the question, and you will at the same time invite M. de Reedtz to lay it before his Royal Master.

Receive, &c.

Baron von Vrintz. (Signed) SCHWARTZENBERG.

No. 3.

The Minister-President of Prussia to the Prussian Minister at Copenhagen.

(Translation.)

Sir, *Berlin, September* 14, 1851.

YOU will find herewith a copy of a despatch which M. de Reedtz addressed on the 26th of last month to Count Bille-Brahe, and to Count Plessen at Vienna,* and which contains the answer to the overtures made at Copenhagen by the Cabinets of Vienna and Berlin relative to the settlement of the affairs of Holstein, and that made by our Cabinet in my despatches of the 4th and 15th of that month. We have seen with satisfaction in the despatch of the Danish Minister for Foreign Affairs, a copy of which was forwarded to us by Count Bille-Brahe, that His Majesty the King of Denmark does justice to the benevolent dispositions which have determined the Courts of Berlin and Vienna to make the said overtures. In fact, the Government of the King pronounced itself too clearly on the points of view which guided it in its participation for the pacification of Holstein, and the attitude of the Federal Commissioners who, actually, still exercise their functions, bears too perceptibly the stamp of the greatest impartiality, seriously to fear any misunderstandings in the object of the intervention of those Federal organs in the affairs of the Duchy: but precisely because the Government of the King is not unmindful of the inconveniences which the prolongation of the provisional situation of affairs, and the presence in the Duchy of other troops than those of the country, must involve, as they shackle and retard the normal development of the authority of the Sovereign; precisely because we are anxious for the moment which shall place the Cabinets actually charged to represent the Germanic Confederation in a position to notify to the Germanic Diet, in resigning their mandate, the term of the direct intervention of the Confederation in the Duchy of Holstein, and at the same time to present to it the necessary guarantees to protect legal order, which is incontestably within its constitutional jurisdiction; it is precisely for these reasons that the Government of the King wishes to obtain, in conjunction with the Austrian Government, from the Danish Cabinet, the declarations containing the possibility of establishing legal order in the new phase which we have just pointed out.

The declaration that Count Bille-Brahe has been authorized to make, and

* No. 1.

which states "that His Majesty the King of Denmark has the intention, so soon as the complete sovereign authority shall have been placed in his hands, to govern the Duchy of Holstein according to the laws legally established, that at the same time he is firmly decided not to introduce changes in the constitution of the Duchy except in the due constitutional course, and that His Majesty will always bear in mind the relations of Holstein towards the Germanic Confederation, as well as of the rights and attributions arising out of those relations towards the Confederation,"—that declaration, we say, we accept with joy, because it is a sure warrant that His Danish Majesty wishes to regulate the relations between the Germanic Confederation and Denmark in a satisfactory manner, and in completely protecting all the rights of the former. We particularly attach very great importance to the declaration stating, that no changes shall be introduced in the Constitution of Holstein except in due constitutional course; that is to say, by means of deliberations with the Provincial Estates of the Duchy which still legally exist, and that until then the existing laws shall continue to be in force. However, if we judge the above declaration according to the impression which it will probably produce in the Germanic Diet, we cannot conceal—and we think that the Danish Cabinet will consider our fears as founded—that in consequence of the uncertainty of the legal situation of the Duchy of Holstein, which is the result of the events of late years, the Germanic Diet will consider the assurance given by His Danish Majesty to govern, in the meantime, the Duchy of Holstein according to the existing laws, less as a solution of the question than as the maintenance of the difficulties which formerly existed.

In fact, it would be impossible to deny that the Diet would be borne out in considering the said assurance in a similar point of view. The Treaty of Peace of the 2nd July of last year has been restricted to the reservation of reciprocal rights and to the return of the *status quo ante*, precisely because it was not possible to agree upon the essential points in litigation. For the Germanic Diet, the re-establishment of the *status quo ante* is principally connected with its Resolution of the 17th September, 1846. It is generally recognized, it is true, that the events which have occurred in the interval, and which are independent of the action of the Germanic Confederation, make a return to the ancient order of things impossible; but there is still actually wanting a positive basis for the object to which it is necessary to aim, and which must be attained. It would be impossible to consider as such the project of organization communicated at the beginning of the year by Count Sponneck to the Cabinets of Berlin and Vienna. I have already in several instances informed you of the decided opinion of the Government on that project; I shall nevertheless again explain the circumstance that, far from approving the said project, the Cabinets of Prussia and Austria have not even examined its special dispositions; that they confined themselves, whilst expressly reserving all the rights of third parties,—viz., those of the Confederation,—to consent that the project should be presented to the Notables who were to assemble at Flensburg. That is what has taken place. But on the one side all the Holstein Deputies pronounced against the project, and on the other it has been essentially modified by the Resolution of the majority. We learn that, in consequence of this diversity of opinion, scruples have arisen even in the midst of the Council of His Majesty the King of Denmark against that project, which was to serve as a basis for the new organization. It would therefore not be possible to contest, as it appears, that doubts do not exist precisely upon the essential elements of public right in Holstein, and there are many questions connected therewith. I will recall, for example, the General Law upon the establishment of the Provincial Estates of the 28th May, 1831, in virtue of which no changes were to take place in the relations which then existed between Holstein and Schleswig; I will recall the ancient *nexus socialis*, recognized at all times, between the Equestrian Orders of the two Duchies; I will recall the Customs regulations of 1838, which were adopted for the two Duchies, after having consulted the Provincial Estates of the latter, but which, in spite of the formal protestations of the Government of the King, have been essentially altered in latter times by the establishment of a line of Customs on the Eider; lastly, I will recall different Ordinances, in virtue of which common institutions for the two Duchies have been successfully created.

So many doubts are raised with reference to all those relations which bear so intimately upon the legal order of Holstein that the Germanic Diet will justly desire to obtain on that subject more ample information than is to be found in the declaration of His Danish Majesty. If under such circumstances the Cabinet of

the King must hesitate, jointly with that of Vienna, to submit the said Declaration to the Germanic Diet, it hopes that it has only acted in this respect in the true interest of the Danish Government.

You will be pleased to leave a copy of this despatch with M. de Reedtz.

Receive, &c.

(Signed) MANTEUFFEL.

No. 4.

The Danish Minister for Foreign Affairs to the Danish Ministers at Vienna and Berlin.

(Translation.) *Copenhagen, December 6*, 1851.

FROM my former communications, by which you have been made fully acquainted with the contents of the despatches of the Imperial Royal Minister President of the 9th September of the present year (with the contents of the despatches of the Royal Prussian Minister President of the 14th September of the present year), you will have learnt more particularly that, and for what reasons, the Governments of Austria and Prussia (Prussia and Austria) have hesitated to submit to the Diet of the Confederation the declaration which was issued on our part on 26th of August of the present year, and to move, on the ground of that declaration, for the cessation of its temporary mandate in Holstein, and for the restitution of the full sovereign power into the hands of His Majesty the King.

The Royal Government regrets this so much the more as, according to the opinion more fully explained by us in the subjoined statement, the assurances which have already been given contained such an ample guarantee for the preservation of all the rights constitutionally appertaining to the Confederation, and to the Confederate States interested, that nothing further, on the part of the Confederation, could well be demanded from the King, our gracious Master, without at the same time trenching on his sovereign rights.

These rights are amongst those which have never been contested, and a further suspension of their exercise in the Duchy of Holstein would, under the present circumstances, when tranquillity and order have actually been re-established there, appear the less allowable, as a prolongation of this exceptional state of things, contrary to the desire and the will of His Majesty, would not only militate against the spirit and wording of the provisions of the Confederate laws by which the intervention of the Confederation is regulated, but would also infringe, unjustifiably in our opinion, upon the equal and synonymous reservation of reciprocal rights in Article III of the Treaty of Peace. A peaceful settlement of opposite views, however—and this must incontestably be the object of that reciprocal reservation—of necessity pre-supposes liberty of will and action, as well on one part as on the other; and it would therefore be desirable that this view, as it is the only one of practical value, should be forthwith carried out in its consequences, and made practically useful

These remarks, as well as the explanations contained in Annex 1, have and can have only for their object the removal, where possible, of the doubts which have been raised on the other side respecting our declaration of the 26th of August, as presumably insufficient. We continue to adhere to the opinion that neither the Confederation nor its Commissioners, as such, can demand more extensive promises without encroaching upon a province wherein their competency fails, and the conflicts, appeased with so much difficulty, would commence anew.

Legal guarantees for more cannot therefore be demanded on their part, and must not be given by us.

It may, however, be possible for us, at a future time, not, it is to be hoped far distant, to strengthen the moral guarantees which serve as the basis of internal and external peace, if by the restitution into the hands of the King, of the full sovereign power in Holstein, the just demands of His Majesty be complied with. Such guarantees, however, according to their essence and nature, can only be given spontaneously.

The Royal Government has a right to expect confidence; and, even if it be withheld, feels urgently called upon to take pains to secure it. Without such confidence on the part of the Cabinets of Vienna and Berlin (Berlin and Vienna), it will be well-nigh impossible for the Government to perform its difficult task, and to keep in the path which, concurrently with the Great Powers, it entered upon a long

time ago in order to maintain unimpaired, and, if possible, to consolidate by new guarantees, the integrity of the Monarchy. The continuance in this path is so closely connected with the imminent, definitive solution of the question relative to the Succession, that even for this reason it must be of the greatest importance to the King our most gracious Sovereign to proceed forward without impediment; so that the promises made in our declaration of the 26th of August shall, as soon as circumstances permit, be upheld by Government Acts, which, though not altering in any way the text of that declaration, may still be calculated to exclude any doubt whatever about the policy to be pursued on our part. It is only in such acts that the guarantees desired by the Imperial Royal Cabinet (the Royal Prussian Cabinet) can be sought for and found; wherefore it will be of prime importance to obtain beforehand the assurance that the resolutions which His Majesty feels disposed to come to under the circumstances, shall not only meet with the approval of the allied Powers, and more especially of the Courts of Vienna and Berlin (Berlin and Vienna), but that these resolutions shall not, at their proximate accomplishment, meet with obstacles anywhere.

For this purpose you are authorised, in accordance with what is set forth more fully in Annex 2, to make the Imperial Royal Minister President (the Royal Prussian Minister President), confidentially acquainted with the intentions of His Majesty; adding at the same time that the King our gracious Master will not delay their eventual accomplishment.

As, however, it is self-evident that His Majesty proceeds herein upon the supposition that the evacuation of Rendsburg, the withdrawal of all Federal troops from the Duchy of Holstein, and the restitution of the full sovereign power into his hands, will simultaneously take place, and without further delay; so His Majesty's final resolutions cannot be decided upon until the most unequivocal assurances have made it certain that no obstacle from abroad will be thrown in the way of their accomplishment, in general as well as in particular, and that the Great Powers will consider the proposed provisional arrangement of things sufficient in order to take forthwith such further steps as are necessary for the definitive regulation of the Succession, and for giving effect to the guarantee held out in the Protocol of London.

On occasion of these confidential communications, you should not, moreover, leave unmentioned the scruples which, as you will easily conceive, have, during the deliberations on this matter, prevailed against any revival—however temporary and transitory—of Provincial Estates in Schleswig. These scruples are the natural result of the proceedings of these Estates during the last ten years, in one Duchy as well as in the other; for as even previous to the year 1848, they were eagerly striving for the development of Schleswig and Holstein into one united State, detached from the Kingdom, and for the admission of Schleswig into the Germanic Confederation, so did they in the year 1848, and afterwards,—at first by the illegal coalition of both Assemblies, and subsequently by their abolition and the formation of a so-called National Assembly, and ultimately by the contrivance of elections in Schleswig for the so-called National Assembly at Frankfort,—act against duty and loyalty to such a degree that the personal disinclination of the King to avail himself any further of these institutions cannot well be wondered at, especially as an attempt to arrive, by the medium of such an organ, at an advantageous common Constitution for the whole Monarchy does not, at least hitherto, seem to promise any successful result.

If, nevertheless, under the presuppositions and conditions above mentioned, the King shall not object to comply eventually with the wishes and advice of his high Allies, by temporarily summoning the Assembly of the Estates of Schleswig, this will be done, as indicated at the beginning of Annex 2, exclusively by his own supreme authority, and mainly for the attainment of a well-defined object.

I need hardly add that as a ground for the eventual decision of the King, there exists the never-extinguished hope that his subjects, who were misled under the pressure of violent commotion, have in preponderating numbers returned to their duty, not only in outward show, but with a revived feeling of their former loyalty, and that the dearly bought experience of the past years has made room for an unprejudiced and deliberate comprehension of the circumstances. Trusting in this, His Majesty will also concede that the Provincial Estates for the Duchy of Schleswig shall eventually be called together, in accordance with the Regulations of 1831 and 1834, but there must be new elections, even if the convocotion should be ordered before the expiration of the period of six years for which the last elections were made. It must also be taken for granted that the manhood

vote for the Ducal Augustenburg entailed possessions ceases, and that in the Assembly of the Schleswig Estates the facultative use of the Danish and German languages shall be sanctioned with perfect equality; and, finally, it is the pleasure of His Majesty that none of the Ordinances issued since the conclusion of the peace, either by His Majesty directly or through the organ of the Extraordinary Commissioner of the Government, shall be submitted to any deliberation whatever of the Provincial Estates, unless His Majesty should be pleased especially and explicitly to order otherwise with regard to any of these Ordinances.

I request you to make the Imperial Royal Minister President (the Royal Prussian Minister President) fully acquainted with the contents of this communication, and also to place a copy, if demanded, at the disposal of his Serene Highness (his Excellency).

Accept, &c.

(Signed) BLUHME.

Count Plessen.
Count Bille-Brahe

Annex 1 to the preceding Despatch to Vienna.

In answer to several expressions and observations occurring in the Imperial Royal Austrian note of the 9th September, 1851.

When in the note, marked No. 1, of the Imperial Royal Minister President, it is first of all asserted that, with regard to the authority for the armed intervention of the Confederation at present exercised in Holstein, no difference of opinion prevails among the parties concerned, this pre-supposition certainly seems so founded on the nature of the circumstances, that any such difference of opinion could not well be conceived. Thus, for example in Article IV of the Treaty of Peace, special reference is made to the Federal laws, in order to show the right of His Majesty the King to appeal to the Germanic Confederation for intervention, the interposition of the Confederation was asked for, in pursuance of those laws, and with express reference to the provisions in point of the Final Act of Vienna, after the stipulation of the Treaty of Peace, in reference to the previous notification of our intentions in regard to pacification, had been complied with by the communication of the Royal Manifest of the 14th of July last year; this application was made both in Vienna, by means of a note of the Baron von Pechlin of the 12th September, 1850, and in Frankfort by the Representative of the King at the Diet; moreover, the Decree of the Diet, by which the settlement of this matter was entrusted to the Imperial Government of Austria, contains likewise an express reference to the Federal laws. By the Resolution of the Diet of the 11th of June of the present year, the further management of this affair, respectively by renewal and by co-transfer of full powers, was entrusted provisionally, for six weeks, to the Governments of Austria and Prussia, which Commission still continues, under the tacit consent of the Diet.

The legal authority for the armed intervention is, therefore, simply derived from Article IV of the Treaty of Peace, from the laws of the Confederation on the subject, and from the Resolutions passed by the Diet in conformity with those laws. That the Imperial Royal Cabinet is of the same opinion could not, however, we regret to say, be inferred, had it not been expressly stated, from the further tenor of the despatch, in which obstacles well nigh insurmountable are put in the way of the termination of the armed intervention, and of the restoration of Holstein to the sole exclusive dominion of His Majesty the King.

According to Articles XXVI and XXXII of the Final Act of Vienna of 1820, and according to Article VI of the Federal Execution Regulations of the 3rd August, 1820, the measures to be taken by the Diet in analogous cases must never be of longer duration than the Government to which such assistance is rendered deems necessary, and the proceedings must always be in conformity with its requisitions. It is, therefore, clear that the decision of the question relative to the prolongation of the present intervention as carried out by the Diet, and of the measures in connection therewith, does by no means, according to the unequivocal wording of the above regulations, rest with the Diet or with the Governments empowered by the said Diet, but solely with the Government of His Majesty the King. As soon as the latter declares to the Diet that it thinks a continuance of the said measures no longer necessary, and requires the recall of the Federal Commis-

sioners and the evacuation of Holstein by the Federal troops, these requisitions must, according to the Federal laws, be complied with.

The Royal Government, moreover, in communicating immediately after the commencement of the intervention the plan of organization which was submitted to the estimable men who subsequently assembled at Flensburg, as well as by the declaration of its willingness to convoke the Provincial Estates in Holstein, has done more than it was bound to do; for, as these notifications, on the one hand, exceed by far the tenor and extent of the general promise given in Article IV of the Treaty of Peace, it is, on the other hand, self-evident that the information could not yet be demanded in the present case, which, in Article XXVII of the Final Act of Vienna, it is made incumbent upon the Government to which the assistance of the Confederation has been rendered to supply regarding the measures taken for the consolidation of re-established legal order.

When, in the further course of the said note, a decided protest is made against the supposition that in the operations of the Commissioners of the Confederation might be found the real obstacle to a transition to a regular state of things, it may be sufficient to point out that, in our despatch of the 26th of August, the good intentions of the two Commissioners have in no way been called in question, but rather that mention was made of a matter of fact, the existence of which has been likewise acknowledged on the other side. As a matter of course the Commissioners are responsible only to their high Governments in regard to the view which they take of their task, and to these latter our Government would have to apply, if in concrete cases the operations of the Representatives of Austria and Prussia in Holstein should appear but little conducive or even obstructive to the ends to be attained in that Duchy.

Further, the declaration on our side, that changes in the Constitution of Holstein shall be introduced only in the way of deliberation with the Provincial Estates of that Duchy, and that the country shall be governed according to the laws legally existing, is stated to be a very decisive change for the better; as if the Royal Government had ever expressed or intimated an intention to proceed in Holstein in any other spirit. To this eulogistic testimonial, however, is immediately linked the somewhat damaging question, "What are the existing laws in Holstein?"—a question which could only be answered by communicating the voluminous collections of laws concerning that Duchy.

Moreover, the question on their side is not limited to this general point, but special questions are added in reference to particular laws. But when it is stated directly after that, according to the General Law of the 28th May, 1831, no alteration is to be made in the relations which at that time united the Duchy of Holstein with the Duchy of Schleswig, this erroneous conception could only have been caused by an incorrect representation of the portion of that Law in question to the Imperial Royal Minister President. Section 1 of the General Law of the 28th May, 1831, is to the effect that no alteration shall be made in the said relations by the separate Assembly of the Provincial Estates. That provision, however, so little excludes alterations in the said relations by other means, so long as this is effected constitutionally, that even the change of the very institution of the deliberative Provincial Estates has been foreseen, and the mode of proceeding in the event of such a change prescribed in § 3 of the above quoted Law, and at the conclusion of the Decrees of the 15th May, 1834. It is further certain that the several Ordinances adverted to on their side, in general, without special indication, by which regulations common to both Duchies have been established, cannot, in reference to Holstein, according to the declaration made on our part, be altered without the previous knowledge of the Provincial Estates of that Duchy, in so far as the respective Ordinances and regulations belong to the sphere of operation of those Estates, which is confined to a participation in the legislation relative to taxes and rates; the rights of persons and property, and to communal matters; and it is equally certain that the participation of the Provincial Estates in reference to the two first-named branches of the legislation is merely deliberative. With respect to the separately mentioned Customs regulation of the year 1838, and the common Customs system founded by it, not for the Duchies of Schleswig and Holstein alone, but for the whole Monarchy, with the exception of Lauenburg, this system, in reference to the Duchy of Holstein, has, by the laws issued and the regulations made by the insurrectional Governments and the chief civil authorities at present ruling in the Duchy, become for the present impracticable to the Government on our side; whilst, on the other hand, the intention of this Government to re-establish the former common Customs system has been repeatedly declared; and according to its most

recent declaration, no doubt can well be entertained that this will be carried out in Holstein only in the constitutional way. The Customs regulation of the year 1838 is therefore definitively set aside only in so far as it has undergone alterations in the way of constitutional legislation, more especially the periodical revision of the Tariff, as prescribed in the regulation itself, up to the outbreak of the insurrection.

Inasmuch as in the further course of the note mention is made of a legal state of things acknowledged on both sides previously to the war, and as these expressions, not very intelligible in and by themselves, are subsequently more fully explained by a reference to the Federal Decree of the 17th September, 1846, a closer elucidation of that Decree and of its origin may not be superfluous.

After the Provincial Assembly of the Estates of the Duchy of Holstein had, in a memorial, not accompanied with a motion, submitted to the Diet the Royal Ordinances which had preceded their own arbitrary dissolution in August 1846, and after this Memorial had been referred to the Commission of Claims, our Representative delivered a declaration, wherein he briefly explained the designation used in the Royal Letters-Patent of the 8th July, 1846, of the Danish Monarchy as one collective State ("Gesammt Staat"), and the connection existing at that time between the Duchies of Holstein and Schleswig, adding that no intention of any alteration of that connection had ever entered the King's mind; with the express exclusion of any competency whatever of the Diet in reference to the Duchy of Schleswig, and without giving the slightest assurance whereby the abolition or limitation of the relations then existing between the said Duchies might have been made dependent on the consent of the Diet.

The Reporter of the Commission of Claims in his Report first of all characterized the Memorial of the Provincial Assembly of Holstein as a complaint of an imaginary infringement of the Constitution; he pointed out the groundlessness of the complaint, remarking subsequently that the Memorialists, when delivering their Memorial, had intended at the same time to place the maintenance of the union of the said Duchies, and the pretended community of succession under the protection of the Confederation; he likewise declared the explanation of the Royal Representative sufficient on this point; and finally, without entering in any way whatever into further explanation as to the extent of the present or the eventual competency of the Confederation in reference to the question at issue, he arrived at his motion,—subsequently adopted as a Decree of the Diet,—in which the existence of an infringement of the Constitution was considered as not established; at the same time, however, in the present case, the conformity of the Royal interdict as to the acceptance of petitions relative to the Succession, with the verbal tenor of the Law of the 28th May, 1831, to that extent in which the interdict had been framed, was called in question, and the competency of the Confederation for future events reserved, without, however, in this motion, which passed into a Resolution, or in any of the subsequent remarks thereupon by individual members of the Diet, one single word having been said of the Duchy of Schleswig, or of the union of Holstein with that Duchy. It is therefore clear that the foundation, or the mutual recognition of a legal state of things by means of the said Resolution of the German Diet, and by means of the explanation of our Representative which preceded that Resolution, is as much out of the question as any competency of the Germanic Confederation, in reference to the Duchy of Schleswig, reserved by the said Resolution, or acknowledged by that explanation.

To act upon such a competency would, besides, be diametrically opposed to the Resolution of the Diet passed in the year 1823, upon the reclamation of the Prelates and Knighthood of Holstein, and more especially to the vote of Prussia which preceded that Resolution, excluding every imaginable interference of the Diet with the Duchy of Schleswig. The question about the said competency of the Diet cannot, therefore, be answered according to the Resolution of the 17th September, 1846, which is not an insidious one in this or in any other respect; but it must be answered according to the principles of the law of nations, and according to the laws of the Confederation. According to principles of international law, any competency whatever of the Confederation in regard to Schleswig can no more be founded upon the relation which, previous to the war, existed between Holstein and Schleswig, than the union of Austria with Hungary could be the ground of any competency of the Confederation with reference to Hungary. But the competency of the Confederation would, according to Article LVI of the Final Act of Vienna, have a foundation, if His Majesty the King desired to alter the Constitution of

the Duchy of Holstein otherwise than in a Constitutional way; that it is not His Majesty's intention to do this has been distinctly declared on our part, and the Diet is not entitled to demand more.

Mention is further made in the said note of the so-called "Assembly of Notables," which took place at Flensburg; as well as of the general and special reservations made on the part of Austria at the communication of the project submitted to that Assembly.

Irrespectively of the question in regard to the legal effect and significancy of such reservations in an internal matter of the Danish Monarchy, in no way belonging or submitted to any foreign decision, the Government on our side might, if Austria dissented from the project in question, have expected a definite expression of opinion thereon, the more so as the provisions of the project, in reference to Holstein and to its future union with Schleswig, are in perfect harmony with a project submitted on our part at the negotiations of peace in Berlin on the 17th March, 1850, and which project at that time met with the decided and expressed approbation of the Imperial Royal Minister-President.

In so far as the election of the Notables for Schleswig is mentioned again, coupled with the remark that the conditions which Austria had included in its reservations could not be considered as complied with, there is the less occasion to enter into further explanations upon this point so often adverted to,—more particularly in our despatch of the 6th of May of the present year,—since the election of the Notables of Schleswig, as well as of those of Holstein, must, in consequence of the approval of His Majesty, have ceased to be an object of criticism.

Independently of this, every one who, from impartial description, has a knowledge of the persons concerned, will confess that the very same principles have been observed in the election of the Notables of Schleswig and of those of Holstein. Men who, on one side or the other, had been engaged in the events of late years, have not been excluded in that election; at the same time, however, estimable men have been chosen who enjoy the confidence of their fellow-citizens, so that at all the elections the tenor of the Royal Manifesto of the 14th July, 1850, has been dutifully observed as a rule.

Finally, upon occasion of the question put in the said note, "whether the Holstein Estates are not united with the Schleswig Estates by the *nexus socialis* of the Knighthoods?" we cannot on our part relieve ourselves from the necessity of explaining more fully the true meaning of the said *nexus socialis* by means of the following literal extract from the Memorial of the 29th of March, 1847, drawn up by the former Deputy of the Chancery, M. von Moltke (one of the Notables of Holstein lately assembled at Flensburg).

It is said therein:—

"The petitions addressed, in the years 1722 and 1723, to King Frederick IV, for a declaration respecting the recognition of their privileges, remained without a reply. King Christian IV, upon special application to this effect from the nobility of Schleswig and of Holstein, and after a request, *communi nomine*, by the Prelates and Knighthood of the Duchies had been rejected, first confirmed anew those privileges under date of the 12th March, 1731, but then, however, in separate charters, wherein, to the confirmation of the Schleswig Prelates and Knighthood, this clause was added:—

"'So far as these (privileges) be not opposed to our sovereign and sole government of the oft-named Duchy.'

"It was but natural that those occurrences should occasion the apprehension of an intended dissolution of the ancient intimate union of the knighthood of the two Duchies. The Prelates and the Knighthood of the Duchy of Schleswig, therefore, on the 7th July, 1731, came forward with a most humble representation, wherein, besides various requests in reference to the holding of Provincial Courts of Law, to their rights of patronage, to the convents, and to other points altogether special, they made literally the following proposition:—

"'We take the liberty of briefly calling to your Royal Majesty's mind how, from times almost immemorial, we have, as well *quoad emolumenta* as *onera*, been placed in a most intimate union with the Knighthood of the Duchy of Holstein, and have by every Sovereignty of the country been constantly left undisturbed in the *corpore* and *nexu socialis* proceeding therefrom; for which reason our most humble petition to your Majesty is that your Majesty's declaration may be graciously granted to us that the *nexus socialis* existing between us and the Knighthood of Holstein shall always remain in full force and permanence.'

"After the Chancery in its report thereon had certified that the same, chiefly in respect of the convents for the nobility, of which only one, and that the worst, was situated in the Duchy of Schleswig, and besides on account of the system of credit and exchange could not be abolished without great prejudice to the Knighthood of Schleswig, the following Royal Resolution resulted under date of the 27th June, 1732:—

"'(We) graciously consent that the said *nexus socialis* may be henceforward maintained, in so far as it may not be prejudicial to us, as their supreme and sole Sovereign, in our high *juribus* and prerogatives.'

"In so far as in recent times, and likewise in the General Law of the 28th of May, 1831, a high political importance is attributed to this Resolution, and to the maintenance in general of the so-called *nexus socialis*, and as the same has in many instances been used for the purpose of deducing from it an indirect recognition of the former Provincial Constitution by the Sovereign of the country, the groundlessness of such assertions will follow of itself from the above proceedings; as it is unequivocally obvious that therein the question in reality was as to the continuance of the theretofore community in the purely private privileges of the Knighthood."

That the Provincial Estates of Holstein (and there are no other Estates in Holstein) cannot, however, be united with those of Schleswig by a *nexus socialis* existing in such a manner between the Knighthoods does not appear to require any further proof.

Annex 1 to the Despatch to Berlin.

In answer to several expressions and assertions occurring in the Royal Prussian notes of the 14th September, 1851.

The more pleasure it has afforded the Royal Government to learn from the note marked No. 1 of the Royal Prussian Minister President, that they are, on that side, satisfied with the contents of our declaration of the 26th of August, the greater astonishment has it caused us that any apprehension of an unfavourable reception of that declaration in the German Diet should be entertained on their part. If to that approved declaration be applied the measure of influence which, by her position in the Germanic Confederation, Prussia is enabled to exercise upon its resolutions, we cannot well share that apprehension; when at the same time, however, to the scruples prevailing on that side the further remark is added that the events which have occurred since the 17th of September, 1846, and which would render the complete return to the former state of things hardly possible, were independent of any influence of the Germanic Confederation, we feel compelled, on our part, to advert to the circumstance that it was just by a Resolution of the Germanic Confederation that the armed irruption, in the spring of 1848, was sanctioned, and the unhappy war between Denmark and Germany occasioned, the so-called Provisional Government acknowledged, and the insurrection, which had been completely subdued in the action at Bau, re-invigorated.

For obvious reasons, however, it cannot be wished further to follow out here the recollection of those events; but rather to adduce the proof that the scruples raised against our declaration, from the point of view of the German Confederation, cannot be well founded.

Thus, for example, in Article IV of the Treaty of Peace special reference is made to the Federal laws, in order to show the right of His Majesty the King to appeal to the German Confederation for intervention, the interposition of the Confederation has been asked for in pursuance of those laws, and with express reference to the provisions in point, of the Final Act of Vienna; after the stipulations of the Treaty of Peace in reference to the previous notification of the intention on our part in regard to pacification had been complied with by the communication of the Royal Manifesto of the 14th of July of last year, this application was made both in Vienna, by means of a note of the Baron von Pechlin of the 12th September, 1850, and in Frankfort by the Representative of the King at the Diet; moreover, the Decree of the Diet, by which the settlement of this matter was entrusted to the Imperial Government of Austria, contains likewise an express reference to the Federal laws. By the Resolution of the Diet of the 11th of June of the present year the further management of this affair respectively, by renewal and by co-transfer of full powers

has been entrusted provisionally, for six weeks, to the Governments of Austria and Prussia, which Commission still continues, under the tacit consent of the Diet.

The legal authority for the armed intervention is therefore derived merely from Article IV of the Treaty of Peace, from the laws of the Confederation on the subject, and from the Resolutions passed by the Diet in accordance with those laws.

According to Articles XXVI and XXXII of the Final Act of Vienna of 1820, and according to Article VI of the Federal Execution Regulations of the 3rd of August, 1820, the measures to be taken by the Diet in analogous cases must never be of longer duration than the Government to which such assistance is rendered deems necessary, and the proceedings must always be in conformity with its requisitions. It is therefore clear that the decision of the question relative to the prolongation of the present intervention, as carried out by the Diet, and of the measures in connection therewith, does by no means, according to the unequivocal wording of the above regulations, rest with the Diet, or the Governments empowered by the said Diet, but solely with the Government of His Majesty the King. As soon as the latter declares to the Diet that it thinks a continuance of the said measures no longer necessary, and requires the recall of the Federal Commissioners, and the evacuation of Holstein by the Federal troops, these requisitions must, according to the Federal laws, be complied with.

The Royal Government, moreover, in communicating, immediately after the commencement of the intervention, the plan of organization which was submitted to the estimable men who subsequently assembled at Flensburg, as well as by the declaration of its intention to convoke the Provincial Estates in Holstein, has done more than it was bound to do; for, as those notifications on the one hand exceed by far the tenor and extent of the general promise given in Article IV of the Treaty of Peace, it is on the other hand self-evident that the information could not yet be demanded in the present case, which in Article XXVII of the Final Act of Vienna it is made incumbent upon the Government to which the assistance of the Confederation has been rendered to supply regarding the measures taken for the consolidation of the re-established legal order.

Inasmuch as it is intimated that it appears to the Diet that the re-establishment of the *status quo ante*, so far as a return to it may still be possible, is still most closely linked with its Resolution of the 17th September, 1846, that Resolution and its origin may here require a closer elucidation.

After the Provincial Assembly of the Estates of the Duchy of Holstein had in a Memorial, not accompanied with a motion, submitted to the Diet the Royal Ordinances which had preceded their own arbitrary dissolution in August 1846, and after this Memorial had been referred to the Commission of Claims, our Representative delivered a declaration, wherein he briefly explained the designation used in the Royal Letters-Patent of the 8th July, 1846, of the Danish Monarchy as one collective State ("Gesammt Staat"), and the connection at that time existing between the Duchies of Holstein and Schleswig; adding, that no intention of any alteration of that connection had ever entered the King's mind; with the express exclusion of any competency whatever of the Diet in reference to the Duchy of Schleswig, and without giving the slightest assurance whereby the abolition or limitation of the relations then existing between the said Duchies might have been made dependent on the consent of the Diet.

The Reporter of the Commission of Claims in his Report first of all characterized that Memorial of the Provincial Assembly of Holstein as a complaint of an imaginary infringement of the Constitution; he pointed out the groundlessness of the complaint, remarking, subsequently, that the memorialists, when delivering their Memorial, had intended at the same time to place the maintenance of the union of the said Duchies and the pretended community of succession under the protection of the Confederation; he likewise declared the explanation of the Royal Representative sufficient on this point; and finally, without in any way whatever entering into further explanations as to the extent of the present or the eventual competency of the Confederation in reference to the question at issue, he arrived at his motion, subsequently adopted as a Decree of the Diet, in which the existence of an infringement of the Constitution was considered as not established; at the same time, however, in the present case, the conformity of the Royal Interdict, as to the acceptance of petitions relative to the Succession, with the verbal tenor of the Law of the 28th May, 1831, to that extent in which the inhibition had been framed, was called in question, and the competency of the Confederation for future events

reserved; without, however, in this motion, which passed into a Resolution, or in any of the subsequent remarks thereon by individual members of the Diet, one single word having been said of the Duchy of Schleswig, or of the union of Holstein with that Duchy. It is therefore clear that the foundation or the mutual recognition of a legal state of things by means of the said Resolution of the German Diet, and by means of the explanation of our Representative which preceded that Resolution, is as much out of the question as any competency of the German Diet in reference to the Duchy of Schleswig, reserved by the said Resolution or acknowledged by that explanation.

To act upon such a competency would, besides, be diametrically opposed to the Resolution of the Diet passed in the year 1823, upon the reclamation of the Prelates and Knighthood of Holstein, and more especially to the vote of Prussia, which preceded that Resolution, excluding every imaginable interference of the Diet with the Duchy of Schleswig. The question about this competency of the Diet cannot therefore be answered according to the Decree of the 17th September, 1846, which is not an insidious one in this or any other respect; but it must be answered according to the principles of the law of nations, and according to the laws of the Confederation. According to the principles of international law any competency whatever of the Diet in Schleswig can no more be founded upon the relation which previous to the war existed between Holstein and Schleswig, than the union of Austria with Hungary could be the ground of any competency of the Confederation with reference to Hungary. But the competency of the Confederation would, according to Article LVI of the Final Act of Vienna, have a foundation if His Majesty the King desired to alter the Constitution of the Duchy of Holstein, otherwise than in a Constitutional way: that it is not His Majesty's intention to do this has been distinctly declared on our part, and the Diet is not entitled to demand more.

Mention is further made, in the said note, of the Assembly of Notables which took place at Flensburg, as well as of the reservation of all the rights belonging to third parties, more especially to the Confederation and others, made on the part of the Royal Prussian Government at the time of the communication of the project submitted to the said Assembly. When on this occasion the observation is made, that the said project cannot in any way be designated as a positive basis for the attainment of the object in view, we are really unable to bring this assertion into harmony with the former declarations of the Cabinet of Berlin in reference thereto; but we may for the present moment refrain from further explanations, the more so as it cannot be our intention to enter here into a closer investigation of the question in reference to the legal significance of the objections and reservations of Prussia, in a matter which in no way belongs or has been submitted to foreign decision.

The Royal Prussian Minister President is further of opinion that it is precisely about the essential elements of the public law in Holstein that doubts prevail, and he raises several special questions thereupon. But when his Excellency asserts that, according to the General Law of the 28th May, 1831, no alterations are to be made in the relations which at that period connected the Duchy of Holstein with the Duchy of Schleswig, that erroneous conception can only have been occasioned by an incorrect statement to his Excellency of the respective passages of that law. Section 1 of the General Law of the 28th May, 1831, is to the effect that no alteration shall be made in the said relations by the separate Assembly of the Provincial Estates. By that provision, however, an alteration in the said relations by some other means is not excluded, so long as this is effected in a constitutional way; so little, indeed, is such the case that even the change of the very institution of the deliberative Provincial Estates has been foreseen, and the mode of proceeding in the event of such a change has been prescribed in § 3 of the above-quoted Law, and at the conclusion of the Decrees of the 15th May, 1834. It is further certain that the several Ordinances adverted to in general, and without special indication, by which regulations in common to both Duchies have been established, cannot, in reference to Holstein, according to the declaration made on our part, be altered without the previous knowledge of the Provincial Estates of Holstein, in so far as the respective Ordinances and regulations belong to the sphere of operation of those Estates, which is confined to a participation in the legislation relative to taxes and rates, the rights of persons and property, and to communal matters; and it is equally certain that the participation of the Provincial Estates in reference to the two first-named branches of the legislation is merely deliberative.

In regard to the Customs Regulations of the year 1838, specially brought

forward, and the Customs system founded by it, not for the Duchies of Schleswig and Holstein alone, but for the whole Monarchy, with the exception of Lauenburg, this system, in reference to the Duchy of Holstein, has by the laws issued and the regulations made by the insurrectional Governments and the chief civil authorities at present ruling in the Duchy, become for the present impracticable for our Government; whilst, on the other hand, the intention of this Government to re-establish the former common Customs system has been repeatedly declared, and, according to its most recent declaration, no doubt can well be entertained that this will be carried out in Holstein only in the constitutional way. The Customs regulation of the year 1838 is therefore definitively set aside only in so far as it has undergone alterations in the way of constitutional legislation, more especially the periodical revision of the Tariff, as prescribed in the regulation itself, up to the outbreak of the insurrection.

With reference, finally, to the remarks respecting the *nexus socialis* between the Knighthoods of Schleswig and Holstein, we cannot refrain from more fully explaining the true meaning of the said *nexus socialis*, by means of the following literal extract from the Memorial of the 29th March, 1847, drawn up by the former Deputy of the Chancery, M. von Moltke (one of the Notables of Holstein lately assembled at Flensburg).

It is said therein :—

"The petitions addressed, in the years 1722 and 1723, to King Frederick IV for a declaration respecting the recognition of their privileges, remained without a reply. King Christian VI, upon a special application to this effect from the nobility of Schleswig and of Holstein, and after a request, *communi nomine*, by the Prelates and Knighthood of the Duchies, had been rejected, first confirmed anew those privileges, under date of 12th March, 1731, but then, however, in separate charters, wherein to the confirmation of the Schleswig Prelates and Knighthood, this clause was added :—

"'So far as these (privileges) be not opposed to our sovereign and sole government of the oft-named Duchy.'

"It was but natural that those occurrences should occasion the apprehension of an intended dissolution of the ancient intimate union of the Knighthood of the two Duchies. The Prelates and the Knighthood of the Duchy of Schleswig, therefore, on the 7th July, 1731, came forward with a most humble representation, wherein, besides various requests in reference to the holding of provincial courts of law, to their rights of patronage, to the convents, and to other points altogether special, they made literally the following proposition :—

"'We take the liberty of briefly calling to your Royal Majesty's mind, how, from times almost immemorial, we have, as well *quoad emolumenta* as *onera*, been placed in a most intimate union with the Knighthood of the Duchy of Holstein, and have by every Sovereignty of the country been constantly left undisturbed in the *corpore* and *nexu sociali* proceeding therefrom, for which reason our most humble petition to your Majesty is, that your Majesty's declaration may be graciously granted to us, that the *nexus socialis* existing between us and the Knighthood of Holstein shall at all events remain in full force and preservation.'

"After the Chancery in its report thereon had certified that the same, chiefly in respect of the convents for the nobility, of which only one, and that the worst, was situate in the Duchy of Schleswig, and besides on account of the system of credit and exchange, could not be abolished without great prejudice to the Knighthood of Schleswig, the following Royal Resolution resulted under date of 27th June, 1732 :—

"'(We) graciously consent that the said *nexus socialis* may be henceforward maintained, in so far as it may not be prejudicial to us, as their supreme and sole Sovereign, in our high *juribus* and prerogatives.'

"In so far as in recent times, and likewise in the General Law of the 28th of May, 1831, a high political importance is attributed to this Resolution, and to the maintenance in general of the so-called *nexus socialis*, and as the same has, in many instances, been used for the purpose of deducing from it an indirect recognition of the former Provincial Constitution by the Sovereign of the country, the groundlessness of such assertions will follow of itself from the above proceedings, as it is unequivocally obvious that therein the question in reality was solely and alone as to the continuance of the theretofore community in the purely private privileges of the Knighthood."

That the Provincial Estates of Holstein (and there are no other Estates

in Holstein) cannot, however, be united with those of Schleswig by a *nexus socialis* existing in such a manner between the Knighthoods does not appear to require any further proof.

In the note marked No. II, the prospect of the revival of the Provincial Estates of Holstein is hailed with a satisfaction which can only be so far agreeable to the Royal Government as the hope that in them may be found not only a legal, but at the same time a practically adapted organ for the new foundation of a lawful state of things in Holstein, has, as a matter of course, been uppermost in our minds.

When, however, on this occasion the eulogistic testimony is bestowed by the other side on the Provincial Estates of the Duchies, as having distinguished themselves for centuries by faithful attachment to their Sovereign, and as having proved themselves well-disposed representatives of the interests of the country, we cannot forbear, on our part, to call to remembrance that those Provincial Estates were first created by the Law of the 28th May, 1831, and were called into existence three years afterwards; but, even independent of this, we must call in question their claim to such a glorifying acknowledgment of their proceedings, which have not, at least, proved conducive to the maintenance of the integrity of the Danish Monarchy.

We are just as little able to assent to the opinion that Schleswig was formerly the mediator between Holstein and the other parts of the kingdom (*sic*). Schleswig has, unfortunately, from the moment it was brought into a kind of union with Holstein, and up to the time of its reconstitution as an inseparable appurtenance of the Danish Crown, been constantly an apple of discord between Denmark and Holstein; and herein precisely lies the germ of the differences still unsettled.

For the rest, it could not be otherwise than satisfactory to the Royal Government to find in the last paragraph of the said note a confirmation of its conviction that the wish on the other side to see the full sovereign power in the Duchy of Holstein restored to His Majesty the King is felt as sincerely as earnestly. When, however, the looked-for convocation of the Provincial Estates is pointed out as the suitable moment for the beginning of this new period, we cannot on our part agree with this. It is, of course, obvious that the Deputies elected in 1847, all of whom have taken part more or less in the insurrection, cannot be convoked, but that new elections must be ordered; and the Provincial Estates can only be assembled after the conclusion of the said elections. In order, however, to proceed with the elections, the previous appointment of Directors of the elections will be necessary, and this, as well as the arrangement of other preparations for the elections, presupposes the confirmation or the appointment by the Sovereign of the respective local officials, which again can only take place after the full governmental power has been restored into the hands of the King.

Annex 2 to both Despatches.

1. If His Majesty, out of regard to the advice and the wishes of his high Allies, resolves for the present to govern not only the Duchy of Holstein, but also the Duchy of Schleswig as an absolute King, with the co-operation of deliberative Provincial Estates, it is, so far as regards the Duchy of Schleswig, simply from free plenitude of power, and in no way with the intention of re-establishing the institution of Provincial Estates in the Kingdom of Denmark, by the abolition of the Fundamental Law, adopted and at present in full vigour in that kingdom; but with the object in view of bringing about an organic and homogeneous constitutional union of all the parts of the Monarchy in a legal and constitutional manner; that is, by means of the deliberative Provincial Estates of each of the said Duchies separately, and so far as regards the Kingdom, by means of Resolutions of the Diet; as well as, in reference to Lauenburg, with the co-operation of the Knighthood and Representatives of the country.

2. As, on the one hand, the King has promised and again declares that neither any incorporation of the Duchy of Schleswig into the Kingdom shall take place, nor any steps whatever leading thereto be taken, so His Majesty cannot, on the other hand, approve of anything at all whereby an amalgamation of Holstein and Schleswig, or any other kind of union of those Duchies between themselves, of a more intimate nature than that existing between either of them and the Kingdom should either be effected at once, or be brought about in future. The

community, therefore, more especially in reference to the management of public affairs and to the administration of justice in the superior tribunals, existing since 1834 between the two Duchies, and which, by the events of later years not chargeable to His Majesty the King, has already actually been repealed, shall also be abolished henceforth and for ever.

3. This principle, by which the so-called Schleswig-Holsteinism is definitively rejected by the King, in no way offers an impediment to the maintenance of those ties which, simply from the nature of things, grow up in the relations between countries bordering on each other, by reason of a similar state of the territory and from analogous relations of subsistence among the inhabitants, because they involve in themselves the conditions of social and commercial intercourse. These, of course, His Majesty will endeavour, as much as possible, to promote and to animate by a legislation for the said Duchies similar to that for the other parts of the Monarchy. Nor can that principle prevent the maintenance of such ties as are founded either on the community to both parts of the Empire of institutions of a non-political character (the Eider Canal, the Institution for Deaf and Dumb, the Lunatic Asylum in Schleswig, the Houses of Correction in Glückstadt, the use and support of the University of Kiel), or which depend upon common relations of the nature of private rights of certain classes (a non-political *nexus socialis* of the Knighthood of Schleswig and of Holstein).

4. Even as the King, on the one hand, must acknowledge that for the present, and so long as he has not taken exclusively into his hands the power of government over all the constituent parts of the Monarchy, and so long as the passionate emotion occasioned by the lamentable events of late years has not been appeased, no endeavours can, with any hope of a salutary result, be made to bring about a common Constitution for all parts of the Monarchy; so likewise His Majesty cannot conceal from himself that the possibility of such a common Constitution and of the administration generally of his States as an integral Monarchy, will depend entirely on the non-extension of the obligations which the King, as a member of the Germanic Confederation, has taken upon himself; and on his sovereignty over his two German Duchies being no more limited or restricted than is required by the existing legislation of the Confederation adopted by the King of Denmark; and that, finally, the German Diet should renounce all claims of competency in, or in regard to, the Danish Province of Schleswig, consequently that nothing should be deduced from the Resolution of the Diet of the 17th September, 1846, that would go beyond its literal meaning.

5. Respecting the practical management of the affairs of the State during the above-mentioned period of transition, the next thing of importance is to bring the relations back, provisionally, as far as possible, to the *status quo ante*.

Under Nos. 1 and 2 it has already been more fully developed in what respects this will be impossible, and opposed to the will of the King. It is in like manner impossible to call the former collegiate institutions again into existence, whilst, on the other hand, it will be possible to manage the affairs at present common to the whole Monarchy henceforward as such, that is to say, in Ministerial form.

Whilst, consequently, the matters which formerly belonged to the jurisdiction of the Schleswig-Holstein-Lauenburgian Chancery, and likewise a part of the business belonging to the province of the Treasury and of the General Board of Customs and Commerce, would, as regards Schleswig and Holstein, have in future to be transferred to a special Minister, respectively for Schleswig and for Holstein, which Ministers therefore, each by himself, would have to be considered as a Minister of the Interior in the respective Duchy; all business, on the other hand, formerly transacted by the Department of Foreign Affairs, by the Adjutant-General of the Accounts of the Land Force, and the Board of General Commissariat, the Board of Finance, and the Board of Public Debt and of the Sinking Fund, of the Customs sections of the General Board of Customs and Commerce, of the General Direction of the Post Office, &c., would, in regard to Schleswig and to Holstein, have to be administered in future by the Royal Ministers of Foreign Affairs, of War, of Marine, and of Finance; with this difference, however, that those Ministers, according as their orders, arrangements, and counsels have reference to the Kingdom or to the Duchies, should be responsible in the first instance to the King and to the Diet, and in the latter instance, for the present, to the King alone.

In the mean time the power is therewith reserved to transfer the said common affairs provisionally, and according to circumstances, to the special Minister for

each Duchy separately, inasmuch as the immediate management by the respective Minister in common might meet with practical difficulties.

The King's Council of State would consist of all the Ministers collectively, each with an equal vote in matters which concern the Monarchy as a whole. The manner and way in which other affairs, special to single parts of the Monarchy, would have to be attended to and settled in the Council of State, so that adequate influence be secured to the Minister (or Ministers) of the respective part of the Monarchy, would have to be left to the particular decision of the King.

Although it may be easily anticipated that, for various reasons, the management of the common matters will, during the period of transition, be difficult, and that in many respects practical difficulties will arise, yet these difficulties do not appear insuperable. For instance, as regards the common armed force. In reference to this, precisely the same rule in point of principle applies as in other common matters. The obligation of the King to supply a military contingent to the Germanic Confederation is not of such a kind as to exclude or to militate against the unity of the army, which is, moreover, sufficiently proved by experience in reference to all those States whose territories lie partly without the Confederation; but even supposing (a supposition indeed which can hardly be defended) that the Federal obligations in reference to the army require a particular division of troops, formed exclusively from natives of the Duchies of Holstein and of Lauenburg, yet it cannot be conceived why the management of those matters which concern the said division of the army should not be entrusted by the King, as Commander-in-chief, to the common Minister of War, subject to the observance of legal regulations, issued for the purpose.

On the other hand, it is obvious that the incongruities which are inevitably connected with the transitory state of things, most urgently require that nothing should be left untried to set a limit to them by the attainment of the object, an organic and constitutional union of all the parts of the State as soon as ever it is possible.

No. 5.

The Minister President of Austria to the Austrian Minister at Copenhagen.

(Translation.)

Honourable Baron, *Vienna, December* 26, 1851.

COUNT PLESSEN has communicated to me a copy of the despatch of his Government of the 6th instant, with which, as well as its two annexes, you have already become directly acquainted by the favour of the Royal Minister for Foreign Affairs.

In this communication the Danish Government expresses its regret that the explanations which, under date of the 26th of August of the present year, it addressed to the Courts of Vienna and of Berlin, should not have been considered satisfactory by them. The said Government expresses its continued conviction that more than is already contained in those declarations could not on the part of the Germanic Confederation be required of His Majesty the King, without trenching on his sovereign rights; and that, consequently, the King could demand the full restitution of those never-disputed sovereign rights, and that legal guarantees for more ought not to be demanded by the Powers which act in the name of the Confederation, or given by the King. The Danish Government considers it to be the only legal and practical view of the state of things, that the King must previously be in full possession of his legal power before he can proceed with that peaceful reconciliation of contending views which must incontestably be considered the real object of the reciprocal reservation of rights in the Treaty of Peace.

Annex 1 to the despatch is intended to exhibit more fully these views, in reference to the contents of the note, marked No. 1, of the Imperial Cabinet, of the 9th September of the present year.

After this preliminary, the Royal Government goes on to tell us that when, by the restitution of the sovereign rights in Holstein into the hands of His Majesty the King, its just demand shall be complied with, it hopes to be very soon enabled to strengthen the moral guarantees which serve as the basis of the internal and external peace of the

Monarchy, and which, from their very nature, can only be granted spontaneously. The Royal Government claims the confidence of the Governments of Austria and Prussia, and adds that it has the most pressing occasion to excuse that confidence, since without it the Government will scarcely succeed in pursuing the course entered upon in concert with the great Powers for the maintenance and the consolidation of the integrity of the Monarchy; a course with the keeping of which the imminent definitive settlement of the question of Succession is so closely connected. That even for this reason alone it must be all-important to the King to uphold, as soon as circumstances permit, the promises contained in the Declaration of the 26th August, by Governmental measures, which, though making no alteration whatever in the text of that Declaration, may yet be calculated to exclude all doubts as to the policy to be observed by His Majesty.

In order, therefore, to make sure beforehand that the Resolutions which under certain circumstances the King may feel disposed to adopt, shall not only meet with the approbation of the Governments of Austria and Prussia, but that, moreover, the said Resolutions shall from neither party experience any obstacles whatever in their subsequent execution, the Cabinet of Copenhagen, in Annex 2 to its note, apprizes us confidentially of the intentions of the King, with the remark that His Majesty will not hesitate eventually to carry them out.

At the same time, however, it is taken for granted that the evacuation of Rendsburg, the withdrawal of all the Federal troops from Holstein, and the restitution of the full sovereign power into the hands of the King, will without further objection be simultaneously proceeded with, and further that the final Resolutions of His Majesty will not be taken until the most unequivocal assurances have been given that their execution in general and in particular will not be opposed by any impediment from abroad; and also that the great Powers shall consider the intended regulations sufficient in order to proceed immediately thereafter with the definitive recognition of the Succession, and with the fulfilment of the guarantees held out in the Protocol of London.

From our former communications you have become fully acquainted with the point of view from which we regard in general these overtures of the Danish Court. You will, therefore, be aware that in order to accelerate the conclusion of this matter, we shall readily state our opinion upon the intentions of His Majesty the King of Denmark as now revealed to us, but that this can only be done on our part under the supposition of having to deal with a declaration which is looked upon by its originator as binding, and the carrying out of which is therefore assured.

Convinced that the solution of the still-existing difficulties could no longer fail when a material understanding on the appropriate measures of the Danish Government should be come to between it and the German Powers, we could hardly apprehend that, even under such favourable circumstances, the Danish Government should delay to secure, by a positive promise, the actual accomplishment of these measures.

What consideration of any importance could possibly dissuade the Royal Government from such a resolution? According to its own expressions, the motives for its hesitation are, that it thinks it ought not to give the Governments of Austria and Prussia any further promises than those already contained in the Declaration of the 26th of August, because this would infringe the sovereign rights of the King. But can its conviction of this be really unshaken?

If such be the case, we can only express our sincere regret for it, inasmuch as after the exertions which, since the Declaration of the 26th of August, have been made to draw the point of view of the Danish Cabinet closer to that of the friendly Powers, and of which so large a share fell to the Minister M. Bluhme, we should have to consider it as a decidedly retrograde step in the negotiations, if they were made to turn anew upon the question whether the said Declaration of the 26th of August of the present year may justly be objected to by the Powers which act in the name of the Confederation. We would the rather set this question aside, as one no longer of any practical interest, since we have no desire to enter unnecessarily into the discussion of it contained in the Annex 1 of the note of the 6th of the present month, in which, as we cannot conceal, certain expressions have called forth our utmost surprise.

The sovereign rights of His Majesty the King, we restrict ourselves to merely repeating this, are sacred to us; but they are, according to our innermost conviction, not in the least infringed because His Majesty finds himself in a situation to owe explanations to his co-members of the Germanic Confederation, which cannot possibly, under existing circumstances, be set aside by a simple appeal to his sovereign rights, to the laws of the Confederation, and to the confidence which his Government deserves.

The declaration of the Danish Government of the 7th September, 1846, was a

spontaneous act; it was given with a view to allay apprehensions which had arisen from the Patent of King Christian VIII, and it was accepted in the same spirit in the Resolution of the Diet founded thereon. Neither the Courts of Austria and Prussia, nor the Diet, have claimed for this transaction the character of a Convention of reciprocally binding effect, which character it did not in fact possess: nor have they declined to give every requisite consideration to the intervening change of circumstances. On the part of Denmark it will certainly not be asserted that immediately after that declaration, the King, by virtue of his sovereignty, might have acted in the contrary sense, without giving the Confederation any other explanation than that his sovereign rights can be no further restricted than the constitutional competency of the Diet reaches. Now, if such was not admissible at that period without violation of the Confederation, it is certain that the same consideration is still in full force under the present circumstances, when not only have both parties reserved in the Treaty of Peace all those rights which they possessed previous to the war, but, moreover, the Diet, in consequence of its intervention, invoked by Denmark, is entitled to expect a satisfactory notification of the measures which have been taken for the consolidation of re-established legal order.

This indispensable explanation once given, any further misunderstanding which might possibly arise between Denmark and the Confederation will certainly turn again exclusively upon the question of the competency of the Confederation. We confess that it is just this view of the reciprocal relations which we recognize as being of chief practical value. Our judgment of the resolutions now contemplated by the King, so far as our proceedings as a Confederative Government are concerned, must therefore be formed accordingly.

We rejoice, after having thus pointed out anew our position relative to the whole question, to be able to say that we really consider the contents of these resolutions to be an adjustment of the opposing views, appropriate to the altered state of things.

The subjoined remarks, which follow point by point Annex II of the Danish despatch, explain the motives of our acquiescence, as well as the expectations which we entertain of a corresponding accomplishment.

We would especially wish the Danish Cabinet to be convinced thereby that we are far from insisting upon the unchanged maintenance in all future times of the Constitution with Provincial Estates for the Duchies; on the contrary, we recognize the full value of the endeavour to suit the existing political institutions of all the parts of the Danish State to the future organisation of the entire Monarchy, which is to be established upon Conservative principles. But as we have before this had occasion to pronounce more than once against the former intention of the Danish Government, as declared from the commencement, to convoke again the Provincial Estates only for the purpose of definitively abolishing them, and to adapt the Constitution of the Monarchy exclusively to the Fundamental Law in force in the Kingdom of Denmark, so it is now incumbent on us to guard decidedly against any possible interpretation, as if this very intention were involved again in the spirit of the programme now communicated to us.

The maintenance of independent, constitutional, and administrative institutions in the various parts of the country, without prejudice to the concentrated direction of their common affairs, we consider to be an indispensable condition for the consolidation of the internal tranquillity of the Monarchy.

When the Danish Government adverts to the objections which, from the experiences of the last ten years, suggest themselves against any revival, even if transitory only, of the Provincial Assemblies of Schleswig; and when that Government expresses a doubt as to whether a salutary result could be expected from the endeavour to arrive at a common Constitution for the Monarchy, through the medium of such an organ, we will by no means contest the weight of those observations; but, at the same time, we cannot refrain from mentioning that it was principally the uncertainty in regard to the Succession, that occasioned and continued such a bias in the proceedings of the Estates as was incompatible with the integrity of the Monarchy. Under the present circumstances, now that the principle of a common Succession appears to be already sufficiently secured against any attempt at opposition, the hope might not be ill-founded that henceforth a beneficial co-operation of the Government with the Provincial Estates would not be attempted in vain, if the given principles—that is to say, on the one hand, the permanent union of the Monarchy; and, on the other, the equal rights of all the constituent parts of the same—be on both sides sincerely adopted, and acknowledged in their necessary consequences.

At least, we think that the embarrassments by which the Government of the Danish collective Monarchy would inevitably be beset by a project of organization

abounding with Representative Estates and with Ministerial responsibility, multifariously divided, like the one which on a former occasion Count Sponneck submitted to us, would not be of a lesser kind, nay, would perhaps be even more difficult to overcome than those which might be apprehended from the re-establishment of the institutions of the Provincial Estates of the Duchies.

That the convocation of the Provincial Assemblies, even if it takes place within the current elective period of six years, shall be proceeded with only under an order for new elections, pursuant to the Regulations of 1831 and 1834; that the manhood vote for the Ducal Augustenburg entailed estates shall be abolished; and that the use of the German and of the Danish language shall be equally admitted in the Provincial Assembly of Schleswig will not be objected to by the Imperial Government; neither do we mean to anticipate the intentions of His Majesty the King, which undoubtedly are simultaneously directed towards the maintenance of the Royal authority and to the pacification of excited minds, in reference to the question whether and how far the ordinances which have been issued since the conclusion of the peace should still be submitted in some way to the deliberation of the Provincial Estates.

If the Danish Government would now be induced to adopt as its own the view of its programme which we have embodied in the present note and in the Annex to it; if at the same time it would give us security, in the binding form of a Declaration, made by order of His Majesty the King, for the actual accomplishment of those intentions which hitherto the said Government has officially communicated to us only as a possible eventuality; and if it would act accordingly, so far as there is occasion for the present to do so, we might confidently look forward to a speedy and conciliatory issue of the present misunderstanding between the various parts of the Danish Monarchy, and between that Monarchy and the Germanic Confederation. We should lay aside the mandate by virtue of which we, in common with Prussia, are representing the German Confederation in this matter, with the simultaneous evacuation of Holstein and the re-establishment of the full sovereign power in that Duchy; we should vouch in the German Diet for the agreement entered into, and should consider the new internal foundation of the bond between the countries united under one Sovereign sufficiently advanced to join in the guarantee, in accordance with the law of nations, of the integrity of the Monarchy, by means of the recognition of the common Succession.

The programme itself points out the first and necessary step for the fulfilment of the promises which it contains, inasmuch as, in its 5th Article, it provides for the temporary management of public affairs until the time of the definitive settlement of the question of the Constitution. The guarantee offered by the Danish Government for the provisional protection of the interests, and for the equality of all the parts of the country as to their legal position, lies solely in the formation of the Council of State for the entire Monarchy of members belonging to the various constituent parts of it. The appointment of this collective Ministry therefore appears to us to admit of no delay, and we likewise hope that it will not escape the enlightened judgment of the King and of his Cabinet, how much, in the eyes of foreign Powers, as well as of the different parts of the country, the value of this guarantee depends on the choice of persons perfectly suitable for their position.

We communicate the present note to the Court of Berlin, in case their views be, as we have already reason to believe, in accordance with ours. You are hereby instructed to declare to the Cabinet of Copenhagen that His Majesty the Emperor, convinced of having answered all just demands in regard to his intervention in the Holstein affair, is only waiting for the actual confirmation of the concurrence of the Government of His Majesty the King in the present overtures to give the necessary orders respecting the restitution of the full sovereign power in Holstein into the hands of the King, and also respecting the withdrawal of the Imperial-Royal troops from Holstein, including the fortress of Rendsburg.

His Majesty, at the same time, considers it a matter of course that the part of Rendsburg which has latterly been occupied by Austrian and Prussian troops shall be occupied by troops of the new-formed Confederate contingent of Holstein-Lauenburg, and that the decision of the disputed question of the boundaries is reserved

(L.S.) SCHWARZENBERG.

Le Baron Von Vrints.

Annex.

1. THE Imperial Court of Austria learns with satisfaction the resolution of His Majesty the King of Denmark to reinstate, not only in the Duchy of Holstein but

also in the Duchy of Schleswig, the legally existing institutions of the Provincial Estates; and when His Majesty at the same time manifests the intention to bring about in the legal and constitutional manner, therefore after consultation with the Provincial Estates of the said Duchies, and as regards the Kingdom of Denmark in conjunction with the Diet and in regard to Lauenburg with the co-operation of the Knighthood and the Estates of the province—an organic and homogeneous constitutional union of all the parts of the country into one collective Monarchy, it is only for the Imperial Court to recognize these intentions of the King as directed towards the fulfilment of an inevitable task.

The present Provincial Constitution of Holstein, to which Article LVI of the Final Act of Vienna applies, cannot offer any obstacle to the realization of the Royal intentions; the less so that in the laws by which the institutions of the Provincial Estates in Holstein are founded, the alteration thereof, after consultation with the Estates, has been foreseen.

Sincerely as His Majesty the Emperor wishes to see the tranquillity and well-being of the Danish Empire consolidated as soon as possible by an organization suitable to its requirements, so does His Majesty confidently cherish the hope that in its efforts towards this important measure, the Danish Government will not bestow any exclusive preference upon the institutions which during late years have been conferred on the Kingdom of Denmark Proper; but that the said Government will bear in mind as the only safe rule, the permanent relations of the entire Monarchy, and the object of intrinsically strengthening its union into one whole. Once satisfied on this point, His Majesty will not delay to co-operate with other friendly Powers in securing that union by guaranteeing, according to the laws of nations, a common Succession to all parts of the Monarchy.

2. In the declaration of His Majesty the King of Denmark that no incorporation of the Duchy of Schleswig into the Kingdom shall take place, nor any steps tending towards that end be taken, the Imperial Court recognizes with satisfaction a fresh confirmation of the promise already made to his subjects by the late King Christian VIII, and subsequently renewed by His Majesty the present King soon after the Treaty of Peace of the 2nd of July, 1850, in the Manifest of the 14th of the same month, and which likewise, conformably to Article IV of the said Treaty of Peace, has been notified to the German Confederation as a resolution taken by the King for the pacification of the country. When, on the other hand, those other declarations made by the Government of His Majesty's predecessor on the Throne, at the sitting of the Diet on the 7th of September, 1846, and recognized by the Diet as satisfactory, according to its Resolution of the 17th of the same month, and according to which it was not the intention of King Christian VIII to bring about any alteration whatever in the relations which at that time connected the Duchy of Holstein with the Duchy of Schleswig,—are considered by the King of Denmark to be no longer suitable in all respects to the present state of things; and if His Majesty feels particularly convinced that especially the community of both Duchies in reference to the administration of public affairs and of justice in the Superior Courts, which has subsisted since the year 1834, but which, in consequence of the late events has, in fact, already become abrogated, must also remain abrogated for the future, it is acknowledged on the part of the Imperial Court that the said Declarations of the 7th September, 1846, were based on the circumstances of the Danish Monarchy at that time, and were not attended with the legal effect of making the consent of the Diet necessary to resolutions, which under changed circumstances the King, by virtue of his rights of sovereignty, might take in reference to that union, but not affecting the legal competency of the Confederation.

The Imperial Government will not, therefore, on its part, object to the abolition of the said community, but will use its influence to prevent any objections being made to this measure by the Diet.

3. The Imperial Government declares that its views are in accordance with point 3 of the Danish Annex.

4. As His Majesty the Emperor will never allow that within the Germanic Confederation the rights of sovereignty of one of its members shall be subjected to other restrictions, or that more extensive demands shall be made upon one member of the Confederation than is the case with regard to all the members of the Confederation, by virtue of the fundamental legal equality of their reciprocal stipulated rights and stipulated obligations; and as it is further beyond doubt to the Imperial Government that the force of the Federal laws, together with the competency of the Diet, emanating alone from those laws, can never be extended to a country not belonging to the Confederation; and as, moreover, the Imperial Government has already declared on a

former occasion, and again declares by these explanations, that it (the said Imperial Government) does not deduce from the Decree of the Diet of the 17th of September, 1846, any rights for the Confederation which would go beyond the literal tenor of that Decree,—His Imperial Majesty, so far as he is called upon to co-operate, considers that the conditions are fully laid down under which the wisdom and the sense of justice of the King will undoubtedly succeed in uniting the Confederative relations of his German Duchies, Holstein and Lauenburg, with the requirements of a common Constitution and administration of his States as a collective Monarchy, and in keeping them in unison.

5. It is well known that the Imperial Government has repeatedly pointed out that, by the Treaty of Peace of the 2nd of July, 1850, while all rights which belonged to both parties before the war were reserved, reference was made, in the next place, to the restoration of the *status quo ante* in the disputable relations. The approbation of the Imperial Government is therefore secured to the Royal Danish Government, if the latter on its part declares that until the organization of the Monarchy shall be definitively effected, it intends to return, in regard to the practical management of public affairs, as much as possible to the *status quo ante*, with the restrictions pointed out by that Government, and to which the above explanations have reference, under 1 and 2. His Majesty the Emperor expresses, especially in this regard, his confident expectation that the King, like as in the question of the future organization of the Monarchy, so also in the temporary management of public affairs, will know how to preserve by suitable arrangements the position which is due to the various parts of the country, as members of one integral whole, wherein no part is subordinate to the other. If, on the one hand, this purpose, in consideration of the impracticability of calling the earlier collegial form of the chief management of State matters into life again, be perfectly answered, in so far as the special affairs of the Duchies of Schleswig and Holstein—which formerly belonged to the jurisdiction of the Schleswig-Holstein-Lauenburg Chancery, and partly also to that of the Treasury, and of the General Board of the Chambers of Customs and Commerce—will now be entrusted to a separate Minister for each of the said Duchies; it has not, on the other hand, escaped the just consideration of the Imperial Government that this equally ordered position of all parts of the State would suffer a material infringement, to the prejudice of the Duchies, if those affairs which extend to the entire Monarchy should be conducted exclusively by Ministers who, in regard to the Duchies, would be responsible only to the King, but in regard to the Kingdom of Denmark would at the same time be responsible to the Danish Diet. The Royal Government, therefore, has at the same time, in regard hereto, already declared that it would reserve to itself the right of entrusting to the special Ministers of the Duchies, separately, a share in the common affairs, according to circumstances; and it only remains for the Imperial Court to recognize, on its part, an impartial realization of that reservation as the appropriate means of abating the said inequality, and of bringing about the transition to the new foundation of the organic union of the Empire under circumstances in which all the subjects of the King may perceive a reassuring guarantee for the present and future preservation of their interests within the collective State.

No. 6.

The Minister President of Prussia to the Prussian Minister at Copenhagen.

(Translation.) *Berlin, December* 30, 1851.

THE communications of the Royal Danish Ministry which you announced to us have now reached us in the form of a despatch of the 6th of this month, with two annexes, addressed by the Minister Bluhme to Count Bille-Brahe. I inclose complete copies of these papers. They have, as I need hardly assure you, been submitted to a full consideration and examination, conducted with the most sincere wish to arrive at an understanding.

They have given occasion to define and collect the points upon which a general understanding may be considered as already existing. You will likewise find this Memorandum inclosed. The points set down in it naturally form, together with the contents of this instruction, a connected whole, the several parts of which form the conditions. Whilst I request you to bring this inclosure to the knowledge of the Minister Bluhme, it only remains for me to mention, in a few words, those points with regard to which an agreement has not hitherto formally taken place, which, however, are partly less important, partly more of a transitory nature, and which relate not so much to organic institutions as to the manner and time of their being carried into effect.

To this, in the first place, belongs the intentions of the Royal Danish Government not to re-establish the community introduced by the predecessors of His Majesty the King of Denmark, of the Administrative authority, and of the Supreme Court of Appeal for the Duchies of Holstein and of Schleswig. It cannot be doubted but that the more deeply the subjects of His Danish Majesty in Schleswig and Holstein had felt the advantages of these common institutions granted to them by their Sovereign, the more painfully will they be affected by their withdrawal. We therefore hope that as the abolition of these common superior authorities has taken place, the Royal Danish Government will, with a benevolent regard for the tranquillization of the public mind, grant a judicial and administrative organisation corresponding as much as possible to the general wish.

With full confidence we think we may assume that it is the intention of the Royal Danish Government to put an end to the exceptional state of things still continuing in Schleswig, before the elections for the Provincial States there. If these elections take place under the management of a Minister who enjoys the confidence of the country, the people will freely and confidently take part in them, and will hail their chosen Representatives as the really authorized organs of the interests of the country. It is of great importance, and it is a very satisfactory omen, that distinguished persons are not wanting who would in every respect furnish the desired guarantees, and who, according to information to be relied upon, are besides ready to obey the call of His Majesty the King of Denmark to fill this difficult post, which, however, promises a most beneficent sphere of action. If the management of the affairs of Schleswig is entrusted to such hands, and if a statesman of equally distinguished qualities is at the head of the Administration of Holstein, there will be in the position of these Ministers, as members of the Ministry for the whole State which, according to the announced intentions of His Danish Majesty, is to be established, a high guarantee for the speedy execution of the paternal intentions towards his country of His Majesty the King-Duke, the importance of which must also be fully appreciated by the German Powers.

The issuing of the writs for the elections for the Provincial States and their Assembly at as early a period as possible, would then cause the Governments who represent the Germanic Confederation to submit to the Diet, for its sanction, those measures which must be considered as requisite for the re-establishment of the full authority of the Sovereign in the Duchy of Holstein.

We regret sincerely that the labours of the Boundary Demarcation Commission, which met at Rendsburg, have not produced a result that seems calculated to bring about a speedy settlement of the territorial frontier between the two Duchies.

Under the circumstances of the divergent statements put forth by the respective Commissioners, and of the generally-felt necessity of concluding this affair, the expedient of an arbitration by a third impartial Government seems to present itself. Supposing the Germanic Confederation as well as Denmark to accept it, there would indeed only be a prospect of a decision after the lapse of a period which could not previously be specified. In order, however, not to defer so long the evacuation of Holstein by the Federal troops, that could likewise take place if, as the Germanic Powers may assume positively and as a matter self-understood, in the place of the Federal troops which are now in Rendsburg, only component parts of the Holstein Federal contingent shall be employed there, and if, as the Danish Government will acknowledge to be not less suited to the circumstances, no changes shall be made in the present state of the fortifications of Rendsburg until the definitive settlement of the question of the frontier.

You will express yourself in the sense of the above remarks to the Minister Bluhme, and give him, if he should wish it, a copy of this despatch.

(Signed) MANTEUFFEL.

Baron Werther.

Annex.

Memorandum.

(Translation.)

WHEN it is said in the instruction of the Royal Danish Minister for Foreign Affairs of the 6th of this month to Count Bille-Brahe, that the Danish Government feels the strongest inducement to endeavour to obtain the confidence of the Cabinets of Berlin and Vienna, and when, accordingly, in Annex II, those Government measures are specified which are contemplated by His Majesty the King of Denmark, and by which the Danish Declaration, already given on the 26th of August, that the Duchy of Holstein should be governed according to the existing laws, and no changes made in these excepting in a

constitutional manner, is further explained, this more detailed communication can only be welcomed with pleasure on the part of Prussia as a further step towards an early definitive understanding.

In reviewing the sphere of the individual questions the general solution of which forms the object of the negotiations between the Germanic Powers and Denmark, one cannot shut out the persuasion that with regard to the great part, and by far the most important points, an understanding may be considered as having been already attained.

1. Foremost appears the general acknowledgment of the principle that in the interests of Europe the whole Danish Monarchy, as at present constituted, should remain together as a whole under one sceptre.

2. In virtue of this acknowledged principle, consent has been expressed generally, and specially by Prussia, to the arrangements which have been made respecting the succession to the Throne of the whole Danish Monarchy, in favour of Prince Christian of Glücksburg and his male descendants from his marriage with his wife, born a Princess of Hesse.

A general understanding exists respecting the manner and the form in which these settlements may be more formally established, in so far as they relate to Holstein, by setting aside a claim (of the Duke of Augustenburg), doubtful, it is true, in itself, but not, under existing circumstances, to be passed over.

The Prussian Cabinet may indulge the hope that certainly in this respect its efforts are appreciated and acknowledged on the part of the King of Denmark.

3. In regard to Holstein, it is decided that the Provincial Estates of the Duchy shall be assembled as the legally existing organ of the country, and that to these Estates belongs the representation of the peculiar rights of the country.

4. The armed force of the Duchy of Holstein, as a German Federal country, has been organized by agreement between the Powers representing the Confederation and the Crown of Denmark, and whilst its destination as a Federal contingent has been reserved, the command-in-chief of it has been left to the King of Denmark as the Military Sovereign of the whole Monarchy.

5. The circumstances of the Duchy of Schleswig as a non-German country do not of themselves form the object of deliberation and negotiation on the part of the Germanic Confederation. Only in as much as the German Duchy of Holstein, in consequence of the common legal relations of both Duchies, has claims to the maintenance of such relations, do the same form the subject of an understanding between the Powers representing the Germanic Confederation and the Crown of Denmark.

Whilst it is acknowledged, on the part of Prussia and Austria, that a more extended claim of the Duchy of Holstein to community and unity of relations in both Duchies is not admissible, the Royal Danish Government acknowledges, on its part, that the Holstein States remain, in the attributions belonging to them according to the Ordinances of 1831 and 1834, as an authorized organ of the Duchy of Holstein in regard to the community of relations of both Duchies based upon particular legal titles.

In particular, it is generally acknowledged that the *nexus socialis* between the Knighthood of Schleswig and Holstein is to be maintained to the same extent and with the same legal consequences for the future as it has existed since the year 1731.

6. The Royal Danish Government is agreed with the German Powers that the Duchy of Schleswig shall subsist as a separate part of the whole Danish Monarchy, not to be incorporated, either with regard to its constitution or administration, with Denmark.

It is in like manner acknowledged, on the part of Denmark, that the Schleswig knighthood is furthermore maintained as a corporation, with the attributes derived from the *nexus socialis*, with the Holstein knighthood. His Majesty the King of Denmark has declared his intention likewise to convoke the Schleswig Provincial Estates by new elections, as they were established by the Ordinances of 1831 and 1834.

Prussia expresses her expectation, founded upon the above recognized points, that a State representation will take place in Schleswig corresponding to the wants of the country and to the Constitution which existed before 1848. The form and the composition of this Representation will have to be discussed with the Provincial Estates, which are now to be assembled again.

7. The German Powers acknowledge that in consequence of the recognized principle of the integrity of the whole Danish Monarchy, a representation of all parts of this Monarchy in a Legislative Assembly for the discussion and decision of the common interests of all, is not incompatible with the separate rights of the German Duchies of Holstein and Lauenburg. On the other hand, the Royal Danish Government does not intend to introduce into the Duchies of Holstein and Lauenburg belonging to the Germanic

Confederation, or into the Duchy of Schleswig, the Constitution at present existing in the Kingdom of Denmark, nor the Electoral Law in force there; but, on the contrary, to have regard, in the Constitution to be framed for the whole Monarchy, to the relations of the Estates in the German Duchies, and to the particular relations of the Duchy of Schleswig. Especially, the Electoral Law now in force in Denmark will not be introduced into Schleswig and the German Duchies.

8. The community of the University of Kiel hitherto existing for Holstein and for Schleswig, as well as the community of the other institutions settled for both Duchies, continues to subsist to the same extent as was the case until the end of the year 1847.

No. 7.

Proclamation of the King of Denmark, dated January 28, 1852.

WE Frederick VII, by the grace of God, King of Denmark, of the Wends and Goths, Duke of Schleswig, Holstein, Stormarn, of the Dithmarses, of Lauenburg, and Oldenburg, send our royal favour and grace to all our beloved and faithful subjects.

We have been informed that the deliberations of the notables convened last year in Flensburg, in accordance with our Manifest of the 14th July, 1850, have not led to the result which we had in view, that is to say, an agreement on the most important questions of our monarchy, and more especially in regard to the position which our Duchy of Schleswig is to occupy.

Having therefore deemed it expedient not to give further effect to the results of the said deliberations, we have resolved, in so far as the regulation of the affairs of our monarchy is concerned, to proceed in a conservative spirit of improvement of legally existing relations, maintaining and further developing those institutions which either comprise all parts of the said monarchy, or which have been specially established for certain distinct parts of the same.

In like manner as the complete maintenance of our monarchy within the whole extent of its territory will, in future, be secured with the assistance of the great European Powers, so also the union which binds the various parts of that monarchy to one well-regulated whole shall be maintained and consolidated, in the first instance by means of the administration of the common affairs and by collective authorities, and in the next place, by a common constitution for the discussion of the common affairs, for the introduction of which we will make preparations with as little delay as possible.

Pursuant thereto, those matters from all the parts of the monarchy which were formerly either decided or submitted to us by the Department for Foreign Affairs, by the Quartermaster-General, by the Adjutant-General for the Army and Navy Accounts, by the General of the Commissariat, by the Board of Admiralty and Commissariat, by the Board of Finance, by the Direction of the Public Debt and the Sinking Fund, as well as by the General Direction of the Post Office; further those matters which formerly belonged to the 1st and 2nd section of the Treasury, so far as those matters concern the rates and taxes, and the collection of taxes and the public accounts, as well as the customs and colonial matters which formerly belonged to the General Chamber of Customs and Commerce (all of which matters, so far as they have reference to the Kingdom of Denmark, have been already assigned to the respective Ministries), shall be treated in future by Ministers for Foreign Affairs, of War, of Marine, and of Finance, according to the existing rules, and in such manner that the sphere of action of those Ministries shall, in the same manner as the above-mentioned immediate authorities formerly held their appointments from us, extend over all parts of our monarchy.

No modification is introduced in the functions of the Ministries for the Kingdom properly so called, namely, the Ministries of Justice, of the Interior, of Religion, and of Public Instruction.

Those matters which formerly belonged to the Chancery of Schleswig-Holstein-Lauenburg, the affairs of Schleswig, of Holstein, and of Lauenburg, which formerly belonged to the Treasury or to the 3rd section of the General Collegiate of the Boards of Customs and Commerce, with the exception of the affairs relating to lighthouses, which have been assigned to the Ministry of Marine, and of Consular affairs, which have been assigned to the Ministry for Foreign Affairs, in the same manner as the affairs formerly belonging to the Government of Schleswig-Holstein, shall henceforth be managed, in conformity with the existing regulations, by the Ministry for the Duchy of Schleswig, in so far as they relate to that Duchy, and by the Ministry of the Duchies of Holstein and

Lauenburg, in so far as they relate to the Duchies of Holstein and of Lauenburg, those matters, however, which concern the non-political institutions common to the Duchies of Schleswig and of Holstein, more especially the University of Kiel, the Equestrian Body, the Schleswig-Holstein Canal, the fire insurance, the houses of correction, the institution for the deaf and dumb, and the lunatic asylum, shall be collectively adminiinistered ("collegialt") by the Minister for the Duchy of Schleswig and the Minister for the Duchies of Holstein and Lauenburg.

All our Ministers shall have their permanent residence in our royal capital and residence of Copenhagen.

Our Privy Council of State shall be composed of all our Ministers, over which Council we shall also in future continue to preside, and in the sittings of which our most beloved uncle, His Royal Highness the Hereditary Prince, shall in future take part as heretofore. With reference to the extent and the regulation of our Privy Council of State, they shall, until further orders, be subject to the same regulations as heretofore. The Secretary of State is to keep the minutes of the proceedings.

The Minister for the Duchy of Schleswig and the Minister for the Duchies of Holstein and of Lauenburg are responsible to us only for the management of their functions. The responsibility of the other Ministers towards the Danish Diet is limited to that part of their official acts which refers to the Kingdom of Denmark in accordance with § 18 of the Fundamental Law.

In accordance with § 21 of the said Fundamental Law, we have temporarily appointed our Minister for Foreign Affairs President of the Council for the Kingdom of Denmark.

In like manner, as no doubt can be entertained in regard to our firm resolution to observe inviolate the provisions of the Danish Fundamental Law, we have resolved to grant in a constitutional manner to the Provincial Estates of our Duchy of Schleswig, as well as to the Provincial Estates of our Duchy of Holstein, such a development that each of the said Duchies shall, in regard to those of its affairs which hitherto have been within the sphere of the deliberative Provincial Estates, obtain a representation of Provincial Estates invested with Legislative power.

In order to attain this object we have resolved to order projects of laws for each of the two said Duchies to be drawn up and to be submitted to the Provincial Estates for deliberation, in accordance with § 8 of the General Law of the 28th May, 1831, and to the final provisions of the Ordinances of the 15th May, 1834.

The project of law which shall be drawn up for the said purpose for the Duchy of Schleswig, shall more particularly contain the necessary provisions to give and to secure to the Danish and to the German nationalities in the said Duchy perfect equality of rights and powerful protection.

The suspension of the functions of the Schleswig-Holstein-Lauenburg High Court of Appeal with reference to the Duchy of Schleswig shall be continued. Projects of law for the purpose of definitively limiting the competency of that superior Court to the Duchies of Holstein and of Lauenburg shall be submitted to the next Assembly of the Provincial Estates for their deliberation.

The Provincial Assemblies of the Duchy of Schleswig and of the Duchy of Holstein shall be convened as soon as practicable after the expiration of the present electoral period, which period terminates with the present year, and so soon as the new elections of deputies shall be completed. In those districts of the Duchy of Schleswig where a state of siege prevails, the said elections shall take place only after the said state of siege shall have been raised. The hereditary viril vote in the Provincial Assembly of Schleswig granted to His Serene Highness the Duke of Schleswig-Holstein-Sonderburg-Augustenburg is repealed. The free use of the Danish as well as of the German language in the Assembly of the Provincial Estates of the Duchy of Schleswig, shall, without any restriction, be permitted in the next Assembly of the said Estates; and we will issue the necessary orders to that effect.

As soon as our sovereign power shall have been fully re-established in our Duchy of Holstein, that Duchy shall be governed according to the existing laws, which laws shall not be altered in any other than in the constitutional manner. In order to establish a uniform Customs system for the whole Monarchy, the necesary preparations shall forthwith be made for the abolition of the Customs boundary on the Eyder; the state of siege existing in some districts of the Duchy of Schleswig shall be raised, and the Patent respecting the amnesty issued for the latter Duchy, under the date of the 10th May, 1851, shall be submitted to an extensive revision. Those who, subsequently to that revision, shall remain excluded from that amnesty shall be permitted to sojourn in any other part of our Monarchy, but those who are not excluded from the amnesty shall have unrestricted liberty to return to the Duchy of Schleswig.

Respecting the Constitution for our Duchy of Lauenburg, we shall publish our Royal resolutions, after preliminary constitutional deliberations with our dear and faithful Estates of the Equestrian and Land orders of that Duchy ("Ritter- und Land-schaft").

Our position as a member of the German Confederation for the Duchies of Holstein and Lauenburg shall undergo no alteration.

We confidently hope that our beloved and faithful subjects in all parts of our Monarchy will recognize in the above a new proof of our paternal sovereign solicitude, extended with equal affection to all of them; and we hope that with the assistance of the Almighty we shall succeed in securing a prosperous future to the countries which are united under our sceptre.

Given at our Castle of Christiansborg, the 28th January, 1852.

Witness our Royal signature and seal prefixed.

(L.S.) FREDERICK R.

(L.S.) REVENTLOW-CRIMINIL.
C. F. HANSEN.
W. C. E. SPONNECK.
P. G. BANG.
C. MOLTKE.
C. A. BLUHME.
STEEN-BILLE.
A. W. SCHEEL.

No. 8.

The Danish Minister for Foreign Affairs to the Danish Ministers at Vienna and Berlin.

(Translation.) *Copenhagen, January* 29, 1852.

IN reply to the communications which, in conformity with my notes of equal tenour of the 6th December last, you, as well as Count Bille-Brahe (Count von Plessen), have made respectively to the Imperial Royal and to the Royal Prussian Minister President (the Royal Prussian and the Imperial Royal Austrian Minister President), the Baron von Vrints first, and soon afterwards the Baron von Werther, have handed to me copies of the subjoined despatches respectively, of the 26th December last year.

Though these despatches are differently drawn up, yet from the reason alone that the two Courts, as representatives of the German Confederation, form, and must of necessity form, one unity in their joint quality in regard to us, we could not entertain the slightest doubt that a reply on our part, by which we accede to the construction which on the part of Austria is put upon our programme, will not only meet the approbation of the Royal Prussian Government, but will also be considered perfectly sufficient for it to issue forthwith, in company with the Imperial Royal Austrian Cabinet, the necessary orders for the evacuation of the fortress of Rendsburg, and the recall of the Federal Commissioners and troops which at present occupy Holstein, so that the King may without further delay re-enter upon the full and undivided enjoyment of his sovereign power over the country. In like manner as this supposition, which is based on the very nature of the circumstances, has already been confirmed by the confident hope expressed by the Imperial Royal Minister President at the conclusion of his note of the 26th of December, so also has Baron von Werther subsequently given us the express assurance that the Royal Prussian Government, as regards the communications which are to be made to the German Diet, is in perfect harmony with the Austrian views.

Under these circumstances it cannot but afford me the highest satisfaction, pursuant to authorization of His Majesty, hereby to deliver the following Declaration:—

"That the interpretation which in the note of the Imperial Royal Cabinet of the 26th December last year, and in the annex to that note, has been given to the intentions of His Majesty, as intimated to the Courts of Vienna and Berlin (Berlin and Vienna) as well in general as more particularly in regard to the non-incorporation of Schleswig with the Kingdom, is acknowledged by the King our most gracious Master to be in accordance with his own views."

At the same time His Majesty, feeling, after a short indisposition, again enabled to take part in Government business, has not hesitated to prepare for the actual carrying out of those intentions by such proceedings as there is at present occasion for.

For this purpose His Majesty has, in the first place, considered it important, immediately after the dissolution of the heretofore Ministry, to form a Council of State for

the whole Monarchy, and, moreover, to effect this in such manner that His Majesty might confidently look upon the composition of that Ministry as a reassuring guarantee for the maintenance of the interests and of the equal legal position of all parts of the country conformably with his sovereign paternal views. After a careful examination of all the considerations which have to be taken into account on this occasion, and which the head of the State solely and alone can fully appreciate in their totality, His Majesty has been pleased now to call the Privy Council of State into activity again, under his own presidency.

The Proclamation here subjoined, which was issued on the 28th instant, is the first act performed by His Majesty since the new formation of the Privy Council of State.

The contents of this Proclamation of His Majesty will, as the Royal Government may confidently hope, answer to the fullest degree all just expectations; nor can it be doubtful that, after the accordance on our part with the views taken by the Royal Prussian Government, as sharing those of the Imperial Royal Austrian Cabinet, has been decidedly realized by the above Declarations, the form which has been chosen to pronounce the Royal intentions will appear quite sufficient to both Courts, so as to make them no longer hesitate to carry out the measures which have been held up to view on their part.

I therefore request you, in communicating a copy of this note to the Imperial Royal (Royal Prussian) Minister President, to express our confident hope that the Imperial Royal (Royal Prussian) Government will, in accordance with the promise made to us, feel induced to consider as void the mandate by virtue of which the said Government jointly with Prussia (with Austria) represents the German Confederation in the Holstein affair, the evacuation of Rendsburg and of the Duchy of Holstein, and the restitution of the full sovereign power of that Duchy taking place at the same time, and to vouch in the German Diet for the agreement thus made; and that at the same time the said Government will consider the new consolidation of the union of the countries united under the sceptre of the King sufficiently advanced to participate in guaranteeing, according to the law of nations, the integrity of the Danish Monarchy by means of the acknowledgment of the common Succession.

With the remark that a note of the same purport with the present has been forwarded this day to the Royal Ambassador at Berlin (at Vienna), I beg to add only that it is the intention of the King to replace the troops of the Confederation, which hitherto have occupied a part of the fortress of Rendsburg, by troops of the newly-formed Contingent of Holstein-Lauenburg as soon as they go away; that His Majesty finally takes it for granted that the decision relative to the regulation of the boundary question, as yet unsettled, is reserved and at the same time unprejudiced.

(L.S.) BLUHME.

No. 9.

Resolution of the Diet of the Germanic Confederation.

(Translation.) *Frankfort, July 29*, 1852.

1. TO recognize the provisions of the Proclamation issued by His Majesty the King of Denmark, Duke of Holstein and Lauenburg, under date of 28th January of the present year, as being in accordance with the laws and the rights of the Confederation, so far as those provisions have reference to the affairs of the Duchies of Holstein and Lauenburg, and are, according to existing circumstances, subject to constitutional examination and resolution thereon by the Confederation; as well as to give the reserved definitive assent to the adjustment of the dispute hitherto existing between Denmark and the German Confederation, which has been thus effected by His Majesty the King, in accordance with the Governments of Austria and Prussia, acting in the name of the Confederation.

2. To request the Royal Danish, Ducal Holstein-Lauenburg Legation to acquaint the Royal Government with the present proceedings, adding at the same time, that the Diet feels persuaded that His Majesty will also in future, and in the same just and conciliatory spirit of which the Royal Proclamation of the 28th of January of the present year bears testimony, watch over the maintenance and fructifying development of the institutions legally existing in those portions of his dominions belonging to the German Confederation, as well as over the position assigned to those countries in their union with the other parts of the Monarchy.

3. To consider the full powers in the Holstein affair entrusted to the Governments of Austria and of Prussia, and which, after the expiration of the term fixed for them, have been tacitly prolonged since the declaration of both Courts, made at the sitting of the 6th September of last year, as being cancelled by the above Resolutions.

Frankfort, July 29, 1852.

Correspondence between Austria, Prussia, and Denmark. 1851—52.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON:
PRINTED BY HARRISON AND SONS.

TREATY

BETWEEN

HER MAJESTY,

THE EMPEROR OF GERMANY, KING OF PRUSSIA, THE EMPEROR OF AUSTRIA, THE FRENCH REPUBLIC, THE KING OF ITALY, THE EMPEROR OF RUSSIA, AND THE SULTAN,

FOR THE

REVISION OF CERTAIN STIPULATIONS

OF THE

TREATY OF MARCH 30, 1856.

Signed at London, March 13, 1871.

Presented to both Houses of Parliament by Command of Her Majesty.
1871.

LONDON:
PRINTED BY HARRISON AND SONS.

[C.—314.] *Price* 2*d.*

TREATY between Her Majesty, the Emperor of Germany, King of Prussia, the Emperor of Austria, the French Republic, the King of Italy, the Emperor of Russia, and the Sultan, for the Revision of certain Stipulations of the Treaty of March 30, 1856.

Signed at London, March 13, 1871.

[*Ratifications exchanged at London, May* 15, 1871.]

AU NOM DE DIEU TOUT-PUISSANT.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Chef du Pouvoir Exécutif de la République Française, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté l'Empereur des Ottomans, ont jugé nécessaire de réunir leurs Représentants en Conférence à Londres, afin de s'entendre, dans un esprit de concorde, sur la révision des stipulations du Traité conclu à Paris le 30 Mars, 1856, relatives à la navigation de la Mer Noire, ainsi qu'à celle du Danube; désirant en même temps assurer dans ces contrées de nouvelles facilités au développement de l'activité commerciale de toutes les nations, les Hautes Parties Contractantes ont résolu de conclure un Traité, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Granville George, Comte Granville, Lord Leveson, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Conseiller de Sa Majesté en Son Conseil Privé, Lord Gardien des Cinque Ports et Connétable du Chateau de Douvres, Chancelier de l'Université de Londres, Principal Secrétaire d'Etat de Sa Majesté pour les Affaires Etrangères, &c.;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, le Sieur Albert, Comte de Bernstorff-Stintenburg, Son Ministre d'Etat et Chambellan, Grand Commandeur de Son Ordre de la Maison Impériale et Royale de Hohenzollern en diamants, et Grand-Croix de Son Ordre de l'Aigle Rouge avec des feuilles de chêne, Grand-Croix de l'Ordre Ducal de la Branche Ernestine de la Maison de Saxe, Chevalier de l'Ordre Impérial de St. Stanislas de Russie de première classe, et de l'Ordre Royal du Lion d'Or de la Maison de Nassau, Grand-Croix de l'Ordre Royal du Mérite Civil de la Couronne de Bavière, de l'Ordre de la Légion d'Honneur de France, de l'Ordre Impérial du Lion et du Soleil de Perse, de l'Ordre Royal et Militaire du Christ de Portugal, &c., Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Impériale et Royale près Sa Majesté Britannique, &c.;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Sieur Rodolphe, Comte Apponyi, Chambellan, Conseiller Intime de Sa Majesté Impériale et Royale Apostolique, Chevalier de l'Ordre de la Toison d'Or, Grand-Croix de l'Ordre Impérial de Léopold, Son Ambassadeur Extraordinaire près Sa Majesté Britannique, &c.;

Le Chef du Pouvoir Exécutif de la République Française, le Sieur Jacques Victor Albert, Duc de Broglie, Chevalier de l'Ordre de la Légion d'Honneur, Ambassadeur Extraordinaire et Plénipotentiaire de la République près Sa Majesté Britannique, &c.;

Sa Majesté le Roi d'Italie, le Chevalier Charles Cadorna, Ministre d'Etat, Sénateur du Royaume, Chevalier Grand-Croix décoré du Grand Cordon de Ses Ordres de St. Maurice

et de St. Lazare et de la Couronne d'Italie, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, &c.;

Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe, Baron de Brunnow, Son Conseiller Privé Actuel, Chevalier des Ordres de Russie, de l'Aigle Rouge de Prusse de la première classe, Commandeur de St. Etienne de Hongrie, Grand-Croix de l'Ordre de la Légion d'Honneur de France, de l'Ordre du Mérite de Turquie, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c.;

Et Sa Majesté l'Empereur des Ottomans, Constantin Musurus Pacha, Muchir et Vizir de l'Empire, décoré des Ordres Impériaux de l'Osmanié et du Medjidié de première Classe, Grand-Croix de l'Ordre des Saints Maurice et Lazare, et de plusieurs autres Ordres Etrangers, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c.;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

LES Articles XI, XIII, et XIV du Traité de Paris du 30 Mars, 1856, ainsi que la Convention spéciale conclue entre la Sublime Porte et la Russie, et annexée au dit Article XIV, sont abrogés et remplacés par l'Article suivant.

ARTICLE II.

Le principe de la clôture des Détroits des Dardanelles et du Bosphore, tel qu'il a été établi par la Convention séparée du 30 Mars, 1856, est maintenu, avec la faculté pour Sa Majesté Impériale le Sultan d'ouvrir les dits Détroits en temps de paix aux bâtiments de guerre des Puissances amies et alliées, dans le cas où la Sublime Porte le jugerait nécessaire pour sauvegarder l'exécution des stipulations du Traité de Paris du 30 Mars, 1856.

ARTICLE III.

La Mer Noire reste ouverte, comme par le passé, à la marine marchande de toutes les nations.

ARTICLE IV.

La Commission établie par l'Article XVI du Traité de Paris, dans laquelle les Puissances co-signataires du Traité sont chacune représentées par un Délegué, et qui a été chargée de désigner et de faire exécuter les travaux nécessaires depuis Isaktcha, pour dégager les embouchures du Danube, ainsi que les parties de la Mer Noire y avoisinantes, des sables et autres obstacles qui les obstruent, afin de mettre cette partie du fleuve et les dites parties de la Mer dans les meilleures conditions de navigabilité, est maintenue dans sa composition actuelle. La durée de cette Commission est fixée pour une période ultérieure de douze ans, à compter du 24 Avril, 1871, c'est à dire jusqu'au 24 Avril, 1883, terme de l'amortissement de l'emprunt contracté par cette Commission sous la garantie de la Grande Bretagne, de l'Allemagne, de l'Autriche-Hongrie, de la France, de l'Italie, et de la Turquie.

ARTICLE V.

Les conditions de la réunion nouvelle de la Commission Riveraine, établie par l'Article XVII du Traité de Paris du 30 Mars, 1856, seront fixées par une entente préalable entre les Puissances Riveraines, sans préjudice de la clause relative aux trois Principautés Danubiennes; et en tant qu'il s'agirait d'une modification de l'Article XVII du dit Traité, cette dernière fera l'objet d'une Convention spéciale entre les Puissances co-signataires.

ARTICLE VI.

Les Puissances Riveraines de la partie du Danube où les Cataractes et les Portes de Fer mettent des obstacles à la navigation, se réservant de s'entendre entr'elles à l'effet de faire disparaître ces obstacles, les Hautes Parties Contractantes leur reconnaissent dès-à-présent le droit de percevoir une taxe provisoire sur les navires de commerce sous tout pavillon qui en profiteront désormais, jusqu'à l'extinction de la dette contractée pour l'exécution des travaux; et elles déclarent l'Article XV du Traité de Paris de 1856 inapplicable à cette partie du fleuve pour un laps de temps nécessaire au remboursement de la dette en question.

ARTICLE VII

Tous les ouvrages et établissements de toute nature créés par la Commission Européenne en exécution du Traité de Paris de 1856, ou du présent Traité, continueront à jouir de la même neutralité qui les a protégés jusqu'ici, et qui sera également respectée à l'avenir dans toutes les circonstances par les Hautes Parties Contractantes. Le bénéfice des immunités qui en dérivent s'étendra à tout le personnel administratif et technique de la Commission. Il est, cependant, bien entendu que les dispositions de cet Article n'affecteront en rien le droit de la Sublime Porte de faire entrer, comme de tout temps, ses bâtiments de guerre dans le Danube en sa qualité de Puissance territoriale.

ARTICLE VIII.

Les Hautes Parties Contractantes renouvellent et confirment toutes les stipulations du Traité du 30 Mars, 1856, ainsi que de ses annexes, qui ne sont pas annulées ou modifiées par le présent Traité.

ARTICLE IX.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans l'espace de six semaines,* ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le sceau de leurs armes.

Fait à Londres, le treizième jour du mois de Mars de l'an mil huit cent soixante-onze.

(L.S.) GRANVILLE.
(L.S.) BERNSTORFF.
(L.S.) APPONYI.
(L.S.) BROGLIE.
(L.S.) CADORNA.
(L.S.) BRUNNOW.
(L.S.) MUSURUS.

(Translation.)

IN THE NAME OF ALMIGHTY GOD.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, The Chief of the Executive Power of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, have judged it necessary to assemble their Representatives in Conference at London, in order to come to an understanding, in a spirit of concord, with regard to the revision of the stipulations of the Treaty concluded at Paris on the 30th March, 1856, relative to the navigation of the the Black Sea, as well as to that of the Danube; being desirous, at the same time, to ensure in those regions new facilities for the development of the commercial activity of all nations, the High Contracting Parties have resolved to conclude a Treaty, and have for that purpose named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Granville George Earl Granville, Lord Leveson, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Majesty's Privy Council, Lord Warden of the Cinque Ports and Constable of Dover Castle, Chancellor of the University of London, Her Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Germany, King of Prussia, the Sieur Albert, Count of Bernstorff-Stintenburg, His Minister of State and Chamberlain, Grand Commander of His Order of the Imperial and Royal House of Hohenzollern in Diamonds, and Grand Cross of His Order of the Red Eagle with Oak Leaves, Grand Cross of the Ducal Order of the Ernestine Branch of the House of Saxony, Knight of the Imperial Order of St. Stanislaus of Russia of the First Class, and of the Royal Order of the Golden Lion of

* This period was afterwards extended to the 15th of May.

the House of Nassau, Grand Cross of the Royal Order of Civil Merit of the Crown of Bavaria, of the Order of the Legion of Honour of France, of the Imperial Order of the Lion and Sun of Persia, of the Royal and Military Order of Christ of Portugal, &c., Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Majesty to Her Britannic Majesty, &c.;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, the Sieur Rudolph Count Apponyi, Chamberlain, Privy Councillor of His Imperial and Royal Apostolic Majesty, Knight of the Order of the Golden Fleece, Grand Cross of the Imperial Order of Leopold, His Ambassador Extraordinary to Her Britannic Majesty, &c.;

The Chief of the Executive Power of the French Republic, the Sieur James Victor Albert Duc de Broglie, Knight of the Order of the Legion of Honour, Ambassador Extraordinary and Plenipotentiary of the Republic to Her Britannic Majesty, &c.;

His Majesty the King of Italy, the Chevalier Charles Cadorna, Minister of State, Senator of the Kingdom, Knight Grand Cross decorated with the Grand Cordon of His Orders of St. Maurice and St. Lazarus and of the Crown of Italy, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, &c.;

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor, Knight of the Orders of Russia, of the Red Eagle of Prussia of the First Class, Commander of St. Stephen of Hungary, Grand Cross of the Order of the Legion of Honour of France, of the Order of Merit of Turkey, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.;

And His Majesty the Emperor of the Ottomans, Constantine Musurus Pasha, Muchir and Vizir of the Empire, decorated with the Imperial Orders of the Osmanié and of the Medjidié of the First Class, Grand Cross of the Order of St. Maurice and St. Lazarus, and of several other foreign Orders, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I.

Articles XI, XIII, and XIV of the Treaty of Paris of March 30, 1856, as well as the special Convention concluded between Russia and the Sublime Porte, and annexed to the said Article XIV, are abrogated, and replaced by the following Article.

ARTICLE II.

The principle of the closing of the Straits of the Dardanelles and the Bosphorus, such as it has been established by the separate Convention of March 30, 1856, is maintained, with power to His Imperial Majesty the Sultan to open the said Straits in time of peace to the vessels of war of friendly and allied Powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of March 30, 1856.

ARTICLE III.

The Black Sea remains open, as heretofore, to the mercantile marine of all nations.

ARTICLE IV.

The Commission established by Article XVI of the Treaty of Paris, in which the Powers who joined in signing the Treaty are each represented by a delegate, and which was charged with the designation and execution of the works necessary below Isaktcha, to clear the mouths of the Danube, as well as the neighbouring parts of the Black Sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best state for navigation, is maintained in its present composition. The duration of that Commission is fixed for a further period of twelve years, counting from April 24, 1871, that is to say, till April 24, 1883, being the term of the redemption of the loan contracted by that Commission, under the guarantee of Great Britain, Germany, Austria-Hungary, France, Italy, and Turkey.

ARTICLE V.

The conditions of the re-assembling of the Riverain Commission, established by Article XVII of the Treaty of Paris of March 30, 1856 shall be fixed by a previous understanding between the Riverain Powers, without prejudice to the clause relative to

the three Danubian Principalities; and in so far as any modification of Article XVII of the said Treaty may be involved, this latter shall form the subject of a special Convention between the co-signatory Powers.

ARTICLE VI.

As the Powers which possess the shores of that part of the Danube where the Cataracts and the Iron Gates offer impediments to navigation reserve to themselves to come to an understanding with the view of removing those impediments, the High Contracting Parties recognize from the present moment their right to levy a provisional tax on vessels of commerce of every flag which may henceforth benefit thereby, until the extinction of the debt contracted for the execution of the works; and they declare Article XV of the Treaty of Paris of 1856 to be inapplicable to that part of the river for a space of time necessary for the repayment of the debt in question.

ARTICLE VII.

All the works and establishments of every kind created by the European Commission in execution of the Treaty of Paris of 1856, or of the present Treaty, shall continue to enjoy the same neutrality which has hitherto protected them, and which shall be equally respected for the future, under all circumstances, by the High Contracting Parties. The benefits of the immunities which result therefrom shall extend to the whole administrative and engineering staff of the Commission. It is, however, well understood that the provisions of this Article shall in no way affect the right of the Sublime Porte to send, as heretofore, its vessels of war into the Danube in its character of territorial Power.

ARTICLE VIII.

The High Contracting Parties renew and confirm all the stipulations of the Treaty of March 30, 1856, as well as of its annexes, which are not annulled or modified by the present Treaty.

ARTICLE IX.

The present Treaty shall be ratified, and the Ratifications shall be exchanged at London in the term of six weeks,* or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the thirteenth day of the month of March, in the year one thousand eight hundred and seventy-one.

(L.S.) GRANVILLE.
(L.S.) BERNSTORFF.
(L.S.) APPONYI.
(L.S.) BROGLIE.
(L.S.) CADORNA.
(L.S.) BRUNNOW.
(L.S.) MUSURUS.

* This period was afterwards extended to the 15th of May.

Procès-Verbal d'Echange.

LES Soussignés s'étant réunis afin de procéder à l'échange des ratifications du Traité conclu et signé le 13 Mars, 1871, entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Chef du Pouvoir Exécutif de la République Française, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté l'Empereur des Ottomans, pour la révision des stipulations du Traité du 30 Mars, 1856, relatives à la navigation de la Mer Noire, ainsi qu'à celle du Danube; et les ratifications respectives ayant été soigneusement collationnées et trouvées en bonne et due forme, l'échange en a eu lieu aujourd'hui dans les formes usitées.

Les Plénipotentiaires de Russie et de la Sublime Porte ont en même temps échangé les Ratifications de la Convention qui a été conclue entre leurs Cours respectives le 13 Mars, pour abroger les stipulations de celle signée à Paris le $\frac{18}{30}$ Mars, 1856, relative au nombre et à la force des bâtiments de guerre des Puissances Riveraines dans la Mer Noire, et ont communiqué cette Convention à la Conférence d'après les termes du Protocole No. 5 du 13 Mars.

En foi de quoi les Soussignés ont signé le présent Procès-Verbal d'Echange, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 15 Mai, 1871.

(Signé)	(L.S.)	GRANVILLE.
	(L.S.)	BERNSTORFF.
	(L.S.)	A. WOLKENSTEIN.
	(L.S.)	BROGLIE.
	(L.S.)	CADORNA.
	(L.S.)	BRUNNOW.
	(L.S.)	MUSURUS.

(Translation.)

THE Undersigned having met together for the purpose of exchanging the ratifications of the Treaty concluded and signed on the 13th of March, 1871, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, the Chief of the Executive Power of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, for the revision of the stipulations of the Treaty of the 30th of March, 1856, relative to the navigation of the Black Sea, as well as to that of the Danube; and the respective ratifications having been carefully compared and found in good and due form, the exchange took place this day in the usual form.

The Plenipotentiaries of Russia and of the Sublime Porte, at the same time, exchanged the ratifications of the Convention concluded between their respective Courts, on the 13th of March, for abrogating the stipulations of that signed at Paris on the $\frac{18}{30}$th of March, 1856, relative to the number and force of the vessels of war of the Riverain Powers in the Black Sea; and communicated that Convention to the Conference, according to the terms of the Protocol No. 5, of the 13th March.

In witness whereof the Undersigned have signed the present Procès-Verbal of Exchange, and have affixed thereto the seal of their arms.

Done at London, the 15th of May, 1871.

(Signed)	(L.S.)	GRANVILLE.
	(L.S.)	BERNSTORFF.
	(L.S.)	A. WOLKENSTEIN.
	(L.S.)	BROGLIE.
	(L.S.)	CADORNA.
	(L.S.)	BRUNNOW.
	(L.S.)	MUSURUS.

Convention between Russia and Turkey, signed at London, March 13, 1871.

(Communicated to the Conference, on the exchange of the Ratifications, May 15, 1871.)

AU NOM DE DIEU TOUT PUISSANT.

SA Majesté l'Empereur de toutes les Russies et Sa Majesté Impériale le Sulta n mutuellement animés du désir de consolider les relations de paix et de bonne intelligence heureusement existant entre leurs Empires, ont résolu de conclure dans ce but une Convention, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé Actuel et Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie et décoré de l'Ordre Impérial Ottoman du Nishan Iftihar ;

Et Sa Majesté Impériale le Sultan, Constantin Musurus Pacha, Muchir et Vizir de l'Empire, décoré des Ordres Impériaux de l'Osmanié et du Medjidié de première classe, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

La Convention Spéciale conclue à Paris entre Sa Majesté l'Empereur de toutes les Russies et Sa Majesté Impériale le Sultan, le $\frac{\text{dix-huit}}{\text{trente}}$ Mars de l'an mil huit cent cinquante-six, relative au nombre et à la force des bâtiments de guerre des deux Hautes Parties Contractantes dans la Mer Noire, est et demeure abrogée.

ARTICLE II.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans l'espace de six semaines, ou plus tôt si faire de peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Londres le $\frac{\text{premier}}{\text{treizième}}$ jour du mois de Mars de l'an mil huit cent soixante-onze.

(L.S.) BRUNNOW.
(L.S.) MUSURUS.

Pour copie conforme à l'original.
(Signé) LE COMTE DE BRUNNOW,
Ambassadeur de Russie.

Londres, le $\frac{3}{15}$ *Mai,* 1871

(Translation.)

IN THE NAME OF ALMIGHTY GOD.

HIS Majesty the Emperor of all the Russias and His Imperial Majesty the Sultan, being mutually animated with the desire to consolidate the relations of peace and good understanding happily existing between their Empires, have resolved to conclude for this purpose a Convention, and have named to that effect as their Plenipotentiaries, that is to say :

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor and His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Russia, and decorated with the Imperial Ottoman Order of the Nishan Iftihar ;

And His Imperial Majesty the Sultan, Constantine Musurus Pasha, Muchir and Vizir of the Empire, decorated with the Imperial Orders of the Osmanié and of the Medjidié of the first class, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The Special Convention concluded at Paris between His Majesty the Emperor of all the Russias and His Imperial Majesty the Sultan, on the eighteenth thirtieth of March, in the year one thousand eight hundred and fifty-six, relative to the number and force of the vessels of war of the two High Contracting Parties in the Black Sea, is and remains abrogated.

ARTICLE II.

The present Convention shall be ratified, and the ratifications shall be exchanged at London in the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the first thirteenth day of the month of March, in the year one thousand eight hundred and seventy-one.

(L.S.) BRUNNOW.
(L.S.) MUSURUS.

A true copy from the original.
(Signed) THE COUNT DE BRUNNOW,
Ambassador of Russia.

London, May $\frac{9}{15}$, 1871.

Convention between Turkey and Russia, signed at London, March 13, 1871.

(Communicated to the Conference, on the exchange of the Ratifications, May 15, 1871.)

AU NOM DE DIEU TOUT PUISSANT.

SA Majesté Impériale le Sultan et Sa Majesté l'Empereur de toutes les Russies, mutuellement animés du désir de consolider les relations de paix et de bonne intelligence heureusement existant entre leurs Empires, ont résolu de conclure dans ce but une Convention, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté Impériale le Sultan, Constantin Musurus Pacha, Muchir et Vizir de l'Empire, décoré des Ordres Impériaux de l'Osmanié et du Medjidié de première classe, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique ;

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé actuel, et Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie et décoré de l'Ordre Impérial Ottoman du Nishan Iftihar ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

La Convention Spéciale conclue à Paris le $\frac{\text{dix-huit}}{\text{trente}}$ Mars, de l'an mil huit cent cinquante-six, entre Sa Majesté Impériale le Sultan et Sa Majesté l'Empereur de toutes les Russies, relative au nombre et à la force des bâtiments de guerre des deux Hautes Parties Contractantes dans la Mer Noire, est et demeure abrogée.

ARTICLE II.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans l'espace de six semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Londres le treizième jour du mois de Mars de l'an mil huit cent soixante-onze.

(L.S.) MUSURUS.
(L.S.) BRUNNOW.

Pour copie conforme à l'original.

(Signé) MUSURUS,
Ambassadeur de Turquie.

Londres, le 15 *Mai,* 1871.

(Translation.)

IN THE NAME OF ALMIGHTY GOD.

HIS Imperial Majesty the Sultan and His Majesty the Emperor of all the Russias, being mutually animated with the desire to consolidate the relations of peace and good understanding happily existing between their Empires, have resolved to conclude for this purpose a Convention, and have named to that effect as their Plenipotentiaries, that is to say :

His Imperial Majesty the Sultan, Constantine Musurus Pasha, Muchir and Vizier of the Empire, decorated with the Imperial Orders of the Osmanié and of the Medjidié of the first class, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty ;

And His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor, and His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Russia, and decorated with the Imperial Ottoman Order of the Nishan Iftihar;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The Special Convention concluded at Paris on the eighteenth thirtieth of March, in the year one thousand eight hundred and fifty-six, between His Imperial Majesty the Sultan and His Majesty the Emperor of all the Russias, relative to the number and force of the vessels of war of the two High Contracting Parties in the Black Sea, is and remains abrogated.

ARTICLE II.

The present Convention shall be ratified, and the ratifications shall be exchanged at London in the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms,

Done at London, the first thirteenth day of the month of March, in the year one thousand eight hundred and seventy-one.

(L.S.) MUSURUS.
(L.S.) BRUNNOW.

A true copy from the original.

(Signed) MUSURUS,
Ambassador of Turkey.

London, May 15, 1871.

TREATY between Her Majesty, the Emperor of Germany, King of Prussia, the Emperor of Austria, the French Republic, the King of Italy, the Emperor of Russia, and the Sultan, for the Revision of certain Stipulations of the Treaty of March 30, 1856.

Signed at London, March 13, 1871.

Presented to both Houses of Parliament by Command of Her Majesty. 1871.

LONDON:
PRINTED BY HARRISON AND SONS.

DESPATCH

FROM

MR. ODO RUSSELL

RESPECTING THE

TREATY OF MARCH 30, 1856.

(In continuation of Papers presented to Parliament, February 9, 1871.)

Presented to both Houses of Parliament by Command of Her Majesty.
1871.

LONDON:
PRINTED BY HARRISON AND SONS.

[C.—265.] *Price* 1*d.*

Despatch from Mr. Odo Russell respecting the Treaty of March 30, 1856.

Mr. Odo Russell to Earl Granville.—(*Received March* 2.)

My Lord, *Versailles, February* 27, 1871.

I SEE by the Parliamentary Reports in the "Times" of the 17th and 25th instant that a question has arisen in regard to the argument used by me and published in the correspondence respecting the Treaty of 1856, page 45, No. 76, of the 22nd of November last, to the effect that the "question raised by Prince Gortchakoff was of a nature in its present state to compel us, with or without allies, to go to war with Russia."

As it may be convenient that I should place on record for future reference the reasons which induced me to use that argument, the responsibility of which must rest on me and on me alone, I have the honour to state—

1st. That we are bound by the Tripartite Treaty of the 15th of April, 1856, to consider any infraction of the Treaty of the 30th of March, 1856, as a *casus belli*.

2nd. That Prince Gortchakoff's notes of October $\frac{19}{31}$ and of $\frac{\text{October } 20}{\text{November } 1}$, assuming the right to renounce the stipulations of that Treaty which directly touched her interests, appeared to me to involve the assumption of a right to renounce the whole of the Treaty.

3. That Her Majesty's Government had declared on the 10th of November last that it was impossible on their part to give any sanction to the course announced by Prince Gortchakoff.

4th. That this renunciation by Russia, which Her Majesty's Government could not sanction, of a portion of the Treaty of March 30, 1856, opened a discussion which might unsettle the cordial understanding between the two Governments, because it was of a nature in its present state, that is, in the state it was in on the 22nd of November last, to compel us to go war in virtue of the Tripartite Treaty of the 15th of April, 1856, by which we had bound ourselves to consider any infraction of the Treaty of the 30th of March Russia was then renouncing, as a *casus belli*.

5th. That France being then otherwise engaged and Austria unprepared, we might be compelled to go to war with Russia, even without our allies, having bound ourselves on the 15th of April, 1856, to guarantee, jointly and severally, the stipulations recorded in the Treaty of the 30th March, 1856, threatened by the assumed right of renunciation by Russia, which Her Majesty's Government declined to sanction.

6th. That not having been instructed to state that the question I had been sent to submit to the Prussian Government was not, in the opinion of Her Majesty's Government, of a nature to compel us ever to go to war, notwithstanding our Treaty engagements, I used the arguments which I believed in my conscience to be true.

I have, &c.

(Signed) ODO RUSSELL.

Despatch from Mr. Odo Russell respecting the Treaty of March 30, 1856.

(In continuation of Papers presented to Parliament, February 9, 1871).

Presented to both Houses of Parliament by Command of Her Majesty. 1871.

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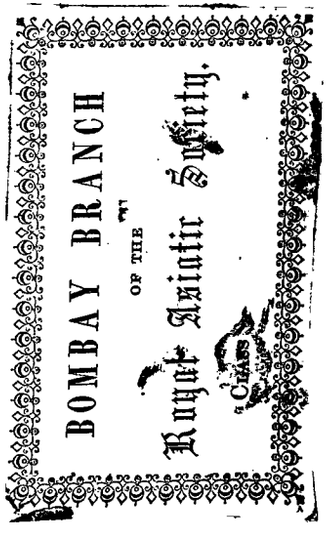

CORRESPONDENCE

RESPECTING THE

TREATY OF MARCH 30, 1856.

Presented to both Houses of Parliament by Command of Her Majesty.
1871.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Treaty of March 30, 1856.

No. 1.

Prince Gortchakoff to Baron Brunnow.—(Communicated to Earl Granville by Baron Brunnow, November 9.)

M. le Baron, *Tzarskoé Sélo, le* $\frac{19}{31}$ *Octobre*, 1870.

LES altérations successives qu'ont subies durant ces dernières années les transactions considérées comme le fondement de l'équilibre de l'Europe, ont placé le Cabinet Impérial dans la nécessité d'examiner les conséquences qui en résultent pour la position politique de la Russie.

Parmi ces transactions celle qui l'intéresse le plus directement est le Traité du $\frac{18}{30}$ Mars, 1856.

La Convention spéciale entre les deux riverains de la Mer Noire, formant annexe à ce Traité, contient de la part de la Russie l'engagement d'une limitation de ses forces navales jusqu'à des dimensions minimes.

En retour ce Traité lui offrait le principe de la neutralisation de cette mer.

Dans la pensée des Puissances signataires ce principe devait écarter toute possibilité de conflit, soit entre les riverains, soit entre eux et les Puissances maritimes. Il devait augmenter le nombre des territoires appelés par un accord unanime de l'Europe à jouir des bienfaits de la neutralité et mettre ainsi la Russie elle-même à l'abri de tout danger d'aggressions.

L'expérience de quinze années a prouvé que ce principe, duquel dépend la sécurité de toute l'étendue des frontières de l'Empire Russe dans cette direction, ne repose que sur une théorie.

En réalité, tandisque la Russie désarmait dans la Mer Noire et s'interdisait même loyalement, par une déclaration consignée dans les Protocoles des Conférences, la possibilité de prendre des mesures de défense maritime efficaces dans les mers et ports adjacents, la Turquie conservait le droit d'entretenir des forces navales illimitées dans l'Archipel et les Détroits ; la France et l'Angleterre gardaient la faculté de concentrer leurs escadres dans la Mediterranée.

En outre, aux termes du Traité l'entrée de la Mer Noire est formellement et à perpétuité interdite au pavillion de guerre soit des Puissances riveraines soit de toute autre Puissance ; mais en vertu de la Convention dite "des Détroits," le passage par ces Détroits n'est fermé aux pavillons de guerre qu'en temps de paix. Il résulte de cette contradiction que les côtes de l'Empire Russe se trouvent exposées à toutes les aggressions, même de la part des Etats moins puissants, du moment où ils se disposent de forces navales auxquelles la Russie n'aurait à opposer que quelques bâtiments de faibles dimensions.

Le Traité du $\frac{18}{30}$ Mars, 1856, n'a d'ailleurs pas échappé aux dérogations dont la plupart des transactions Européennes ont été frappées, et en présence desquelles il serait difficile d'affirmer que le droit écrit, fondé sur le respect des Traités comme base du droit public et règle des rapports entre les Etats, ait conservé la même sanction morale qu'il a pu avoir en d'autres temps.

On a vu les Principautés de Moldavie et de Valachie, dont le sort avait été fixé par le Traité de Paix et par les Protocoles subséquents, sous la garantie des Grandes Puissances, accomplir une série de révolutions contraires à l'esprit comme à la lettre de ces transactions, et qui les ont conduites d'abord à l'union, ensuite à l'appel d'un Prince étranger. Ces faits se sont produits de l'aveu de la Porte, avec l'acquiescement des Grandes Puissances, ou du moins sans que celles-ci aient jugé nécessaire de faire respecter leurs arrêts.

Le Représentant de Russie a été le seul à élever la voix pour signaler aux Cabinets

qu'ils se mettraient par cette tolérance en contradiction avec des stipulations explicites du Traité.

Certes, si ces concessions accordées à une des nationalités Chrétiennes de l'Orient étaient résultées d'une entente générale entre les Cabinets et la Porte en vertu d'un principe applicable à l'ensemble des populations Chrétiennes de la Turquie, le Cabinet Impérial n'aurait pu qu'y applaudir. Mais elles ont été exclusives.

Le Cabinet Impérial a donc du être frappé de voir que, quelques années à peine après sa conclusion, le Traité du $\frac{18}{30}$ Mars, 1856, avait pu être enfreint impunément dans une de ces clauses essentielles en face des Grandes Puissances réunies en Conférence à Paris, et représentant dans leur ensemble la haute autorité collective sur laquelle reposait la paix de l'Orient.

Cette infraction n'a pas été la seule. A plusieurs reprises et sous divers prétextes l'accès des Détroits a été ouverte à des navires de guerre étrangers, et celui de la Mer Noire à des escadres entières dont la présence était une atteinte au caractère de neutralité absolue attribué à ces eaux.

A mesure que s'affaiblissaient ainsi les gages offerts par le Traité et notamment les garanties d'une neutralité effective de la Mer Noire, l'introduction des bâtiments cuirassés inconnus et non prévus lors de la conclusion du Traité de 1856, augmentait pour la Russie les dangers d'une guerre éventuelle en accroissant, dans des proportions considérables, l'inégalité déjà patente des forces navales respectives.

Dans cet état de choses, Sa Majesté l'Empereur a dû se poser la question de savoir quels sont les droits et quels sont les devoirs qui découlent, pour la Russie, de ces modifications dans la situation générale et de ces dérogations des engagements auxquels elle n'a pas cessé d'être scrupuleusement fidèle, bien qu'ils fussent conçus dans un esprit de défiance à son égard ?

A la suite d'un mûr examen de cette question, Sa Majesté Impériale est arrivée aux conclusions suivantes, qu'il vous est prescrit de porter à la connaissance du Gouvernement auprès duquel vous êtes accrédité.

Notre auguste Maître ne saurait admettre en droit que les Traités enfreints dans plusieurs de leurs clauses essentielles et générales demeurent obligatoires dans celles qui touchent aux intérêts directs de son Empire.

Sa Majesté Impériale ne saurait admettre en fait que la sécurité de la Russie dépende d'une fiction qui n'a pas résisté à l'épreuve du temps, et soit mise en péril par son respect pour des engagements qui n'ont pas été observés dans leur intégrité.

L'Empereur, se fiant aux sentiments d'équité des Puissances signataires du Traité de 1856, et à la conscience qu'elles ont de leur propre dignité, vous ordonne de déclarer que Sa Majesté Impériale ne saurait se considérer plus longtemps comme liée aux obligations du Traité du $\frac{18}{30}$ Mars, 1856, en tant qu'elles restreignent ses droits de souveraineté dans la Mer Noire;

Que Sa Majesté Impériale se croit en droit et en devoir de dénoncer à Sa Majesté le Sultan la Convention Spéciale et Additionnelle au dit Traité qui fixe le nombre et la dimension des bâtiments de guerre que les deux Puissances riveraines se réservent d'entretenir dans la Mer Noire ;

Qu'elle en informe loyalement les Puissances signataires et garantes du Traité Général, dont cette Convention Spéciale fait partie intégrante ;

Qu'elle rend sous ce rapport à Sa Majesté le Sultan la plénitude de ses droits, comme elle le reprend également pour elle-même.

En vous acquittant de ce devoir vous aurez soin de constater que notre auguste Maître n'a en vue que la sécurité et la dignité de son Empire. Il n'entre nullement dans la pensée de Sa Majesté Impériale de soulever la question d'Orient. Sur ce point, comme pourtant ailleurs, elle n'a pas d'autre vœu que la conservation et l'affermissement de la paix. Elle maintient entièrement son adhésion aux principes généraux du Traité de 1856, qui ont fixé la position de la Turquie dans le concert Européen. Elle est prête à s'entendre avec les Puissances signataires de cette transaction, soit pour en confirmer les stipulations générales, soit pour les renouveler, soit pour y substituer tout autre arrangement équitable qui serait jugé propre à assurer le repos de l'Orient et l'équilibre Européen.

Sa Majesté s'est convaincue que cette paix et cet équilibre auront une garantie de plus lorsqu'ils seront fondés sur des bases plus justes et plus solides que celles résultant d'une position qu'aucune grande Puissance ne saurait accepter comme une condition normale d'existence.

Vous êtes invité à donner lecture et copie de la présente dépêche à M. le Ministre des Affaires Etrangères.

Recevez, &c.

(Signé) GORTCHAKOFF.

(Translation.)

M. le Baron, *Tzarskoé Sélo, October* $\frac{19}{31}$. 1871.

THE successive alterations which the transactions considered as the foundation of the European balance of power have undergone during late years have rendered it necessary for the Imperial Cabinet to inquire how far their results affect the political position of Russia.

Among these transactions, that which interests Russia most directly is the Treaty of March $\frac{18}{30}$, 1856.

The special Convention between the two States bordering on the Black Sea, which forms an Appendix to this Treaty, contains an engagement on the part of Russia to limit her Naval forces to a minimum.

In return this Treaty established the principle of the neutralization of that Sea.

By laying down this principle the signatory Powers intended to remove any possibility of a conflict between the Powers bordering on the Black Sea, or between them and the Maritime Powers. It was intended to increase the number of the territories which have been accorded the benefit of neutrality by the unanimous consent of Europe, and thus protect Russia herself from all danger of attack.

A fifteen years' experience has proved that this principle, on which the safety of the whole extent of the Russian frontiers in this direction exclusively depends, is no more than a theory.

In reality, while Russia was disarming in the Black Sea, and, by a declaration contained in the Protocols of the Conference, likewise loyally deprived herself of the possibility of taking measures for an effectual maritime defence in the adjoining seas and ports, Turkey preserved her privilege of maintaining unlimited Naval forces in the Archipelago and the Straits; France and England preserved the power of concentrating their squadrons in the Mediterranean.

Again, under the Treaty in question, the entry of the Black Sea formally and in perpetuity interdicted to the flag of war either of the Powers possessing its coasts or of any other Power; but the so-called Straits Treaty closes the Straits only in time of peace to men-of-war. Owing to this contradiction, the shores of the Russian Empire are exposed to attack even from less powerful States whenever they have naval forces at their disposal; while all that Russia could oppose to them would be some ships of small size.

The Treaty of March $\frac{18}{30}$, 1856, has, moreover, not escaped the modifications to which most European transactions have been exposed, and in the face of which it would be difficult to maintain that the written law, founded upon the respect for Treaties as the basis of public right and regulating the relations between States, retains the moral validity which it may have possessed at other times.

We have witnessed the Principalities of Moldavia and Wallachia, whose position had, under the guarantee of the Great Powers, been defined in the Treaty of Peace and the subsequent Protocols, accomplish a series of revolutions which are equally at variance with the letter and spirit of these transactions, and which first led to the union, and subsequently to the election of a Foreign Prince. These facts have obtained the sanction of the Porte and the consent of the Great Powers—or, at any rate, the latter have not thought it necessary to enforce their decisions.

The Representative of Russia was the only one who raised his voice to remind the Cabinets that by this tolerance they would be departing from the distinct stipulations of the Treaty.

No doubt, if these concessions to one of the Christian nationalities of the East had proceeded from a general agreement between the Cabinets and the Porte, and if they had been based upon a principle alike applicable to all the Christian populations of Turkey, they would have been applauded by the Imperial Cabinet; but they were exclusive.

The Imperial Cabinet, therefore, could not but be surprised at seeing the Treaty of March $\frac{18}{30}$, 1856, violated with impunity in one of its most essential clauses, but a few years after its conclusion, and this in face of the Great Powers assembled in Conference at Paris, and representing together the high collective authority on which rested the peace of the East.

But this infraction was not the only one. Repeatedly, and under various pretexts, foreign men-of-war have been suffered to enter the Straits, and whole squadrons, whose presence was an infraction of the character of absolute neutrality attributed to those waters, admitted to the Black Sea.

While the pledges offered by the Treaty, and more especially the guarantees for the effective neutralization of the Black Sea, were thus being weakened, the introduction of iron-clad vessels, unknown and unforeseen at the conclusion of the Treaty of 1856, increased

the danger for Russia in the event of war, by adding considerably to the already patent inequality of the respective naval forces.

Under these circumstances, His Majesty could not but ask himself what are the rights and duties accruing to Russia from these modifications of the general situation and the departures from the engagements which, although conceived in a spirit of distrust towards herself, she has invariably and scrupulously observed.

After maturely considering this question, His Imperial Majesty has arrived at the following conclusions, which you are instructed to bring to the knowledge of the Government to which you are accredited:—

Our illustrious Master cannot admit, *de jure*, that Treaties, violated in several of their essential and general clauses, should remain binding in other clauses directly affecting the interests of his Empire.

His Imperial Majesty cannot admit, *de facto*, that the security of Russia should depend on a fiction which has not stood the test of time, and should be imperilled by her respect for engagements which have not been observed in their integrity.

Confiding in the feelings of justice of the Powers who have signed the Treaty of 1856, as well as in their consciousness of their own dignity, the Emperor commands you to declare that His Imperial Majesty cannot any longer hold himself bound by the stipulations of the Treaty of March $\frac{18}{30}$, 1856, as far as they restrict his sovereign rights in the Black Sea;

That His Imperial Majesty deems himself both entitled and obliged to denounce to His Majesty the Sultan the Special and Additional Convention appended to the said Treaty, which fixes the number and size of the vessels-of-war which the two Powers bordering on the Black Sea shall keep in that Sea;

That His Majesty loyally informs of this the Powers who have signed and guaranteed the General Treaty, of which the Convention in question forms an integral part;

That His Majesty restores to the Sultan the full exercise of his rights in this respect, resuming the same for himself.

In acquitting yourself of this duty, you will take care to point out that our illustrious Master has only the safety and dignity of his empire in view. His Imperial Majesty has no wish to revive the Eastern Question. On this point, as on all others, he has no wish but the preservation and consolidation of peace. He fully adheres to his consent to the general principles of the Treaty of 1856, which have fixed the position of Turkey in the European system. He is ready to enter into an understanding with the Powers who have signed that transaction, for the purpose either of confirming its general stipulations, or of renewing them, or of replacing them by some other equitable arrangement, which may be considered as calculated to secure the tranquillity of the East, and the balance of power in Europe.

His Imperial Majesty is convinced that that peace and that balance of power will receive a fresh guarantee, if they are based upon a more just and solid foundation than one resulting from a state of things which no great Power can accept as a normal condition of its existence.

You are requested to read this despatch to the Minister of Foreign Affairs, and leave him a copy.

I avail, &c.
(Signed) GORTCHAKOFF.

No. 2.

Prince Gortchakoff to Baron Brunnow.—(Communicated to Earl Granville by Baron Brunnow, November 9.)

M. le Baron, *Tsarskoé Sélo, le* $\frac{20 \text{ Octobre,}}{1 \text{ Novembre,}}$ 1870.

EN vous acquittant auprès de M. le Principal Secrétaire d'Etat de Sa Majesté Britannique de la communication que les ordres de Sa Majesté l'Empereur prescrivent à votre Excellence, vous voudrez bien vous attacher à en bien faire saisir le sens et la portée.

Lorsqu'au commencement de l'année 1866, il fut question de Conférences à Trois pour prévenir la guerre imminente en Allemagne par la réunion d'un Congrès, en en discutant les bases avec M. le Comte Russell, vous avez été dans le cas de lui signaler les compensations et les gages de sûreté que nécessiteraient pour la Russie certaines éventualités de nature à modifier le *status quo* existant en Orient.

Lord Russell l'a reconnu avec une parfaite équité. Il n'a pas contesté que toute

altération apportée au texte et à l'esprit du Traité de 1856 devait aboutir à la révision de cet Acte.

Quoique ces éventualités ne se soient pas réalisés, Lord Granville ne contestera pas qu'aujourd'hui ce Traité a subi de graves modifications dans une de ses parties essentielles.

Ce qui doit frapper la Russie dans ces modifications, ce n'est pas la tendance d'hostilité factice à son égard dont elles portent l'empreinte; ce ne sont pas non plns les conséquences que peut avoir pour un grand pays la création sur ses frontières d'un petit Etat quasi indépendant; c'est surtout la facilité avec laquelle, dix ans à peine après sa conclusion, une transaction solennelle, revêtue d'une garantie Européenne, a pu être enfreinte dans sa lettre et dans son esprit, sous les yeux mêmes des Puissances qui devaient en être les gardiennes.

En présence d'un pareil précédent, quelle valeur la Russie peut-elle attacher à l'efficacité de cette transaction et au gage de sécurité qu'elle avait cru trouver dans le principe de la neutralisation de la Mer Noire. L'équilibre fondé en Orient par le Traité de 1856 se trouve donc rompu au détrimeut de la Russie. La résolution prise par notre auguste Maître n'a pas d'autre but que de le rétablir.

Le Gouvernement de Sa Majesté Britannique ne consentirait jamais à laisser la sécurité de ses côtes à la merci d'une transaction qui n'est plus respectée. Il a trop d'équité pour ne pas nous reconnaître les mêmes devoirs et les mêmes droits.

Mais ce que nous tenons surtout à bien établir, c'est que cette décision n'implique aucun changement dans la politique que Sa Majesté l'Empereur suit en Orient.

Vous avez dejà été plusieurs fois à même de vous expliquer avec le Cabinet de Londres sur les vues générales que les deux Gouvernements apportent dans cette importante question. Vous avez pu constater une conformité de principes et d'intérêts dont nous avons pris acte avec une vive satisfaction.

Nous en avons déduit qu'aujourd'hui ce n'est ni de l'Angleterre ni de la Russie que peuvent venir les dangers qui pourraient menacer l'Empire Ottoman; que les deux Cabinets ont un égal désir de maintenir son existence aussi longtemps que possible, par l'apaisement et la conciliation des différends entre la Porte et les sujets Chrétiens du Sultan, et que dans le cas où une crise décisive viendrait à éclater malgré ces efforts, tous deux sont également résolu à en chercher avant tout la solution dans un accord général des grandes Puissances de l'Europe.

Ces vues n'ont pas cessé d'être les nôtres. Nous croyons que leur parfaite analogie rend possible une entente sérieuse entre le Gouvernement de Sa Majesté Britannique et nous; nous y attachons le plus grand prix comme la meilleure garantie pour préserver la paix et l'équilibre de l'Europe des dangers qui peuvent résulter des complications en l'Orient.

D'ordre de Sa Majesté l'Empereur, votre Excellence est autorisé à en réitérer l'assurance à Lord Granville. Nous nous féliciterons sincèrement si la franchise de ces explications peut y contribuer, en écartant toute possibilité de malentendu entre le Gouvernement de Sa Majesté Britannique et nous.

Recevez, &c.
(Signé) GORTCHAKOFF.

(Translation.)

M. le Baron, *Tzarskoé Sélo*, October 20 / November 1, 1870.

IN making the communication to the Principal Secretary of State of Her Britannic Majesty, according to the orders of His Majesty the Emperor, you will take care to make its sense and bearing will understood.

When, at the commencement of 1866, there was a question of conferences between the three Powers, with a view to prevent the war then imminent in Germany by the Assembly of a Congress, in discussing the bases of such Conferences with Earl Russell, you had the opportunity of pointing out to him the compensations and the guarantees of security which the occurrence of certain eventualities calculated to modify the *status quo* existing in the East would necessitate for Russia.

Lord Russell admitted this with perfect equity. He in no way disputed that any alteration made in the text and the spirit ot the Treaty of 1856, must lead to the revision of that Act.

Although those eventualities have not occurred, Lord Granville will not contest the fact that at the present time this Treaty has undergone serious modifications in one of its essential parts.

That which must impress Russia in respect of these modifications, is not the appearance of factitious hostility towards her by which they are characterized, nor is it the consequences which may ensue to a great country from the creation upon its frontiers of a

a small *quasi* independent State; it is chiefly the facility with which, scarcely ten years after its conclusion, a solemn arrangement, clothed with a European guarantee, has been infringed both in letter and in spirit, under the very eyes of the Powers who should have been its guardians.

With such a precedent before us, what value can Russia attach to the efficacy of that arrangement, and to the pledge of security which she believed she had obtained in the principle of the neutralization of the Black Sea. The balance of power established in the East by the Treaty of 1856, has, therefore, been disturbed to the detriment of Russia. The resolution adopted by our august Master has no other object than to restore it.

The Government of Her Britannic Majesty would never consent to leave the security of their shores to the mercy of an arrangement which is no longer respected. They are too equitable not to allow to us the same duties and the same rights.

But what we especially desire to establish is, that this decision implies no change in the policy which His Majesty the Emperor has pursued in the East.

You have already had, on many occasions, opportunities of discussing with the Cabinet of London the general views which the two Governments hold upon this important question. You have been able to establish a conformity of principles and interests, which we have learnt with great satisfaction.

We have drawn from it the conclusion that at present it is neither from England nor Russia that can arise the dangers which may menace the Ottoman Empire; that the two Cabinets have an equal desire to maintain its existence as long as possible by allaying, and by conciliating the differences between the Porte and the Christian subjects of the Sultan, and that, in the event of a decisive crisis presenting itself, despite these efforts, both are equally resolved to seek for its solution in a general agreement of the Great European Powers.

We have not ceased to hold these views. We believe that their perfect analogy renders possible a thorough understanding between the Government of Her Britannic Majesty and ourselves, we attach the greatest value to it, as the best guarantee for the preservation of peace and the balance of power in Europe from dangers which may result from complications in the East.

By the order of His Majesty the Emperor, your Excellency is authorized to repeat this assurance to Lord Granville. We shall sincerely congratulate ourselves if the frankness of these explanations may contribute to that end, by removing every possibility of misunderstanding between the Government of Her Britannic Majesty and ourselves.

Receive, &c.

(Signed) GORTCHAKOFF.

No. 3.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, November* 9, 1870,

BARON BRUNNOW called on me to-day and informed me that he had two despatches to communicate to me: one particularly addressed to Her Majesty's Government, as a proof that the confidence which I had stated was felt by them in the Emperor was fully returned by His Imperial Majesty; and the other a circular addressed to all the Powers who signed the Treaty of Paris of the 30th of March, 1856, which Baron Brunnow believed would be communicated simultaneously at London, Berlin, and Constantinople, and, as nearly as the distances would permit, to the other Courts. His Excellency added that it would be communicated by the Chargé d'Affaires to the Provisional Government at Tours.

The Circular explains at length the reasons for which the Emperor of Russia no longer thinks himself bound by the Special Convention which limits the naval forces of Russia in the Black Sea, but declares his readiness to adhere to the general principles of the Treaty of 1856, or to reconsider and reconfirm them in concert with the Powers; whilst the accompanying despatch conveys the assertion to Her Majesty's Government that this decision in no way implies a change in the policy His Imperial Majesty is following in the East.

Copies of both these documents are herewith inclosed.*

I replied that the despatches were too important for me to make any reply without consultation with my colleagues, and the more so in consequence of the suddenness of such a communication.

* Nos. 1 and 2.

I added that I was the less desirous of saying anything, as Her Majesty's Government were determined to measure their words on all questions involving international difficulties, so that there might not be the slightest chance of their going beyond that to which they intended strictly to adhere.

I am, &c.
(Signed) GRANVILLE.

No. 4.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, November* 10, 1870.

BARON BRUNNOW made to me yesterday the communication respecting the Convention between the Emperor of Russia and the Sultan limiting their naval forces in the Black Sea, signed at Paris on the 30th March, 1856, to which you allude in your telegram of yesterday afternoon.

In my despatch of yesterday I gave you an account of what passed between us, and I now propose to observe upon Prince Gortchakoff's despatches of the $\frac{19\text{th}}{31\text{st}}$ October and $\frac{20\text{th October}}{1\text{st November}}$, communicated to me by the Russian Ambassador on that occasion.

Prince Gortchakoff declares, on the part of His Imperial Majesty, that the Treaty of 1856 has been infringed in various respects to the prejudice of Russia, and more especially in the case of the Principalities against the explicit protest of his Representative, and that, in consequence of these infractions, Russia is entitled to renounce those stipulations of the Treaty which directly touch her interests.

It is then announced that she will no longer be bound by the Treaties which restrict her rights of sovereignty in the Black Sea.

We have here an allegation that certain facts have occurred which, in the judgment of Russia, are at variance with certain stipulations of the Treaty, and the assumption is made that Russia, upon the strength of her own judgment as to the character of those facts, is entitled to release herself from certain other stipulations of that instrument.

This assumption is limited in its practical application to some of the provisions of the Treaty, but the assumption of a right to renounce any one of its terms involves the assumption of a right to renounce the whole.

This statement is wholly independent of the reasonableness or unreasonableness, on its own merits, of the desire of Russia to be released from the observation of the stipulations of the Treaty of 1856 respecting the Black Sea.

For the question is, in whose hand lies the power of releasing one or more of the parties from all or any of these stipulations?

It has always been held that that right belongs only to the Governments who have been parties to the original instrument.

The despatches of Prince Gortchakoff appear to assume that any one of the Powers who have signed the engagement may allege that occurrences have taken place which, in its opinion, are at variance with the provisions of the Treaty, and, although this view is not shared nor admitted by the co-signatory Powers, may found upon that allegation, not a request to those Governments for the consideration of the case, but an announcement to them that it has emancipated itself, or holds itself emancipated, from any stipulations of the Treaty which it thinks fit to disapprove. Yet it is quite evident that the effect of such doctrine, and of any proceeding which, with or without avowal, is founded upon it, is to bring the entire authority and efficacy of Treaties under the discretionary control of each one of the Powers who may have signed them; the result of which would be the entire destruction of Treaties in their essence. For whereas their whole object is to bind Powers to one another, and for this purpose each one of the parties surrenders a portion of its free agency, by the doctrine and proceeding now in question, one of the parties in its separate and individual capacity brings back the entire subject into its own control, and remains bound only to itself.

Accordingly, Prince Gortchakoff has announced in these despatches the intention of Russia to continue to observe certain of the provisions of the Treaty. However satisfactory this may be in itself, it is obviously an expression of the free will of that Power which it might at any time alter or withdraw; and in this it is thus open to the same objections as the other portions of the communications, because it implies the right of Russia to annul the Treaty on the ground of allegations of which she constitutes herself the only judge.

The question therefore arises, not whether any desire expressed by Russia ought to

be carefully examined in a friendly spirit by the co-signatory Powers, but whether they are to accept from her the announcement that, by her own act, without any consent from them, she has released herself from a solemn covenant.

I need scarcely say that Her Majesty's Government have received this communication with deep regret; because it opens a discussion which might unsettle the cordial understanding it has been their earnest endeavour to maintain with the Russian Empire; and, for the above-mentioned reasons, it is impossible for Her Majesty's Government to give any sanction, on their part, to the course announced by Prince Gortchakoff.

If, instead of such a declaration, the Russian Government had addressed Her Majesty's Government and the other Powers who are parties to the Treaty of 1856, and had proposed for consideration with them whether anything has occurred which could be held to amount to an infraction of the Treaty, or whether there is anything in the terms which, from altered circumstances, presses with undue severity upon Russia, or which, in the course of events, had become unnecessary for the due protection of Turkey, Her Majesty's Government would not have refused to examine the question in concert with the co-signataries to the Treaty. Whatever might have been the result of such communications, a risk of future complications and a very dangerous precedent as to the validity of international obligations would have been avoided.

I am, &c.
(Signed) GRANVILLE.

P.S.—You will read and give a copy of this despatch to Prince Gortchakoff.

G.

No. 5.

List of Foreign Ships of War (except Light Vessels to be stationed at the Mouths of the Danube, Russian and Turkish Vessels intended to form the Black Sea Fleets, and Vessels for Service of Foreign Legations, sanctioned by Treaty) which have been allowed to pass through the Dardanelles and Bosphorus, since the conclusion of the Treaty of Peace with Russia, on the 30th March, 1856.

N	Date.	Nationality.	
1	September 1866	American ..	Corvette "Ticonderoga," 8 guns: but capable of heavier armament. Complimentary visit to the Sultan.
2	February 1868	Austrian ..	Frigate "Donau." Firman granted as an act of courtesy to Prince Adalbert of Bavaria. British protest.
3	February 1868	Austrian ..	Corvette "Archduke Frederick," in company with the "Donau." Russian protest. Permission granted under impression that she was a sloop intended for service of the Austrian Mission.
4	April 1868	French ..	Ship of war "Christophe Colombe." Conveyance of Persian Ambassador back to his country. Diplomatic Mission.
5	April 1868	Russian ..	Ship of war "Alexander Newsky." Embarkation of Grand Duke Alexis for a cruize in the Mediterranean.
6	August 1868	American ..	Flag-ship "Franklin." Complimentary visit of Admiral Farragut.
7	October 1868	American ..	Frigate "Wabash." Protests of Ambassadors. Explanations not in the Foreign Office archives.
8	October 1868	British ..	Ship of war "Gannet," 579 tons. Visit of Sir Henry Bulwer, British Ambassador, to Kustendje. Russian protest.
9	November 1869	Prussian ..	Ship of war "Hertha." Misunderstanding. Supposed to be King of Prussia's yacht.

In October 1869 the Austrian vessels of war "Heligoland," 2 guns, "Elizabeth," 2 guns, "Gargnano" transport, passed into the Black Sea for the purpose of escorting the Emperor of Austria to Constantinople.

Instances in which Questions have arisen with regard to the Passage of Foreign Ships of War through the Straits; but in which no violation of Treaty has been shown.

No.	Date.	Nationality.	Remarks.
1	January 1862	Turkish ..	Three ships, to complete Black Sea fleet. Russian complaint afterwards admitted to be unfounded.
2	July 1865	British ..	Ship "Racoon." Firman granted for Prince Alfred. Contemplated visit postponed.
3	August 1867	French ..	Ship "Brandon." Only remained a few days within the outer castles of the Dardanelles.
4	September 1867	Russian ..	Six corvettes. Said to be for the Black Sea fleet.
5	August 1868	British ..	Steam-frigate "Curaçoa." Lord Stratford was conveyed in her to the Dardanelles, and there transferred to the small dispatch gun-boat "Caradoc."
6	January 1869	British ..	Steam-frigate "Ariadne," with the Prince and Princess of Wales on board. Armament removed so as to form a yacht.
7	November 1869	Italian ..	Iron-clad "Roma." Firman for Prince Amadeus at first refused, but ultimately granted. Prince, however, went up in his yacht.

No. 6.

Earl Granville to Sir H. Elliot.

Sir, *Foreign Office, November* 11, 1870.

I TRANSMIT, for your Excellency's information, the accompanying copies of correspondence, as noted in the margin,* respecting the intention of Russia to violate certain conditions of the Treaty of 1856.

I am, &c.
(Signed) GRANVILLE.

No. 7.

Earl Granville to Sir H. Elliot.

Sir, *Foreign Office, November* 11, 1870.

WITH reference to my despatch of this day's date, I transmit, for your Excellency's information, the accompanying copy of a despatch which I have addressed to Her Majesty's Ambassador at St. Petersburgh,† upon the subject of the communication which has been made to me by the Russian Ambassador at this Court, to the effect that Russia no longer acknowledges her obligations under the Treaty of Paris of 1856, and that the Russian Representatives at the Courts of the Great Powers have received instructions to notify the same to those Governments who were parties to that Treaty.

You will communicate to the Turkish Government a copy of my despatch to Sir A. Buchanan, from which the Porte will perceive that Her Majesty's Government do not admit the assumption by Russia of the right of one Power to deal with an European Treaty, except in concert with the Powers who were parties to such Treaty.

In speaking on this subject, you will conform your language to the tenor of my instruction to Her Majesty's Ambassador at St. Petersburgh.

I am, &c.
(Signed) GRANVILLE.

No. 8.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, November* 11, 1870.

I TRANSMIT, for your Excellency's information, the accompanying copy of a despatch which I have addressed to Her Majesty's Ambassador at St. Petersburgh,† upon the subject of the communication which has been made to me by the Russian Ambassador at this Court, to the effect that Russia no longer acknowledges her obligations under the Treaty of Paris of 1856; and that the Russian Representatives at the Courts of the Great Powers have received instructions to notify the same to those Governments who were parties to that Treaty.

I am, &c.
(Signed) GRANVILLE.

No. 9.

Earl Granville to Lord A. Loftus.

My Lord, *Foreign Office, November* 11, 1870.

I HAVE to inform your Excellency that Her Majesty's Government do not think it advisable to remove you from Berlin at the present moment, in consequence of the press of business which you are called upon to discharge on account of the war.

In order, therefore, to save time, Mr. Odo Russell will be sent to Versailles to communicate directly with Count Bismarck on the subject of the despatch from Prince Gortchakoff communicated to me by the Russian Ambassador at this Court. Under these circumstances

* Nos. 1, 2, and 3. † No. 4.

it will not be necessary for your Excellency to make any communication to Baron de Thile on the subject.

I am, &c.
(Signed) GRANVILLE.

No. 10.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, November* 11, 1870.

I HAVE to instruct you to proceed to the Prussian head-quarters at Versailles, and communicate to the Chancellor of the North German Confederation the despatches of which copies are herewith inclosed.*

You will tell Count Bismarck that Her Majesty's Government are desirous of informing his Excellency of the answer which they are about to send to the Russian Government; that Her Majesty's Government have felt regret that the circumstances of the war have hitherto prevented their having any Representative who could make oral communications to his Excellency, and that as it would be inconvenient to detach Lord Augustus Loftus from the accumulation of work which has been thrown upon him at Berlin by the events of the war, I have directed you to carry the inclosed despatch to his Excellency.

You will report his Excellency's reply to me and await my further instructions at Versailles.

I am, &c.
(Signed) GRANVILLE.

No. 11.

Earl Granville to Lord Lyons.†

My Lord, *Foreign Office, November* 12, 1870.

I HAD some conversation to-day with Count Bernstorff on the Russian Circular.

Count Bernstorff repeated that he was ignorant on the subject, but said he had been surprised by the form of it.

I asked whether he supposed the Emperor had reason to hope for support from Prussia or any other Power; and I said I presumed that Prussia, abstractedly, had no wish to see Russia encroach upon Turkey, in which he agreed.

I pointed out to him that, unless there was a previous engagement to this exact effect, the declaration was as little courteous to Prussia as to any other of the co-signataries of the Treaty.

I am, &c.
(Signed) GRANVILLE.

No. 12.

Earl Granville to Lord Lyons.†

My Lord, *Foreign Office, November* 12, 1870.

COUNT BERNSTORFF told me to-day, with reference to a communication I made to him yesterday on the subject of Mr. Odo Russell proceeding to the Prussian head-quarters, that he would be welcome at Versailles.

I am, &c.
(Signed) GRANVILLE.

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* Nos. 1 to 4.

† A similar despatch was addressed to Lord A. Loftus.

No. 13.

Earl Granville to Sir A. Buchanan.

(Extract.) *Foreign Office, November* 12, 1870.

BARON BRUNNOW then referred to my having stated that I had sent through your Excellency the answer of Her Majesty's Government to the communications which I had received from him on the 9th instant. I said that such was the case, and that Her Majesty's Government had given the reasons why it was impossible for them to admit the declaration of the Russian Government.

The assumption contained in the Russian Circular of the right of one Power to deal singly with a European Treaty was one that was fatal to the validity of all international engagements.

If, instead of denouncing the special Convention annexed to and embodied in the Treaty of 1856, the Russian Government had asked Her Majesty's Government, as well as the other Governments parties to that Treaty, to consider whether there were not reasons which would justify some modifications being made therein, Her Majesty's Government would, in conjunction with the other co-signataries, have taken into consideration the merits of such a request; and, by such a course on the part of the Russian Government, whatever might have been the result, they would have avoided the risk of future complication and of making a precedent dangerous to all international engagements.

Baron Brunnow observed, in reply, that as I had only informed him of the substance of the despatch which I had addressed to your Excellency, and as he had not seen the despatch itself, the contents of which, as stated by me, were so different from what his Excellency had expected, he could only maintain the same reserve as I had maintained on the occasion of his communicating to me the Circular despatch to which it referred.

No. 14.

Earl Granville to Lord Bloomfield.

(Extract.) *Foreign Office, November* 12, 1870.

COUNT APPONYI informed me to-day that the Austrian Government had received a similar communication to that made to me by Baron Brunnow as to the intentions of Russia with regard to the Treaty of 1856.

Count Beust had told the Russian Representative, in reply, that he had expected a proposal asking for a revisal of the Treaty, but that the one-sided and sudden solution announced by Russia was a melancholy surprise, which had the treble disadvantage of provoking irritation, establishing a dangerous precedent, and disturbing the East.

He added that the subject would be treated at Vienna without passion and without "entraînement;" but that he reserved to the Imperial and Royal Government full liberty of action.

No. 15.

Earl Granville to Sir H. Elliot.

(Extract.) *Foreign Office, November* 14, 1870.

THE Turkish Ambassador called upon me on the afternoon of the 12th instant at my request. I then communicated to him the Circular addressed by Prince Gortchakoff to the Powers who were parties to the Treaties of 1856, together with the despatch addressed to Baron Brunnow at the same time from St. Petersburgh.

His Excellency spoke with much warmth, and condemned the step taken by the Russian Government in severe terms.

I then informed Musurus Pasha of the purport of the reply which I had addressed to Her Majesty's Ambassador at St. Petersburgh, and I ventured to recommend that the Porte should not act precipitately, and should hold further communication with the other Powers, co-signataries of the Treaties of 1856.

His Excellency on quitting me assured me that his Government would be prepared to follow this course.

No. 16.

Sir A. Buchanan to Earl Granville.—(Received November 16.)

(Extract.) *St. Petersburgh, November 9, 1870.*

I REGRET to say that I have reason to believe the Russian Government have decided to open the question of the Treaty of 1856 in a way which may prove embarrassing to Her Majesty's Government.

I have long foreseen that a proposal on the part of Russia for the revision of the Treaty would not be long delayed; and I have frequently expressed this opinion to your Lordship and to the late Earl of Clarendon. I confess, however, that I was not prepared for the manner in which, if the report which has reached me be authentic, it is proposed to carry out this intention.

The night before last information was communicated to me, from a source on which I did not place much reliance, that despatches had either been forwarded, or would be immediately forwarded, to the Great Courts of Europe, communicating to them that Russia would not acknowledge hereafter the obligations she had contracted under the Treaty of 1856, and that a declaration to that effect would be published in St. Petersburgh a day previously to the delivery of the despatches in question.

I immediately sent one of my Secretaries to the person from whom I had received this communication. The result of my Secretary's inquiries tended to increase my doubt of its truth, and I therefore decided that it would be inexpedient to report a sensational rumour to your Lordship, to which I should have been obliged to add an expression of my own belief that it was incorrect.

Next day I went to Czarskoe-Seloe to see Prince Gortchakoff; and as I had deemed it expedient for some time past not to give him an opportunity to enter into any discussion with me respecting the Treaty of 1856, I did not mention the matter to him. I, however, acquainted several persons with the nature of the communication made to me, and I found them disposed to treat the subject as a stock-jobbing story, connected with the presence of General Ignatieff at St. Petersburgh.

In consequence, however, of subsequent information, I addressed to Prince Gortchakoff a confidential letter, acquainting his Excellency with the character of the information which I had received, and stating that I had not communicated it to your Lordship by telegraph, or spoken of it to his Excellency when I saw him yesterday, because I could not believe a report that measures were about to be taken which I considered so offensive to the Queen and the dignity of Great Britain, that if it were true, I should expect an order to ask for my passports, and to leave St. Petersburgh immediately: but as I had unfortunately received confirmation of it to-day, I felt it my duty to express to his Excellency my belief that if the course is followed with respect to the Treaty of 1856 which has been reported to me, I have the most serious apprehensions as to the light in which it will be considered by the Government of the Queen.

My servant, on delivering my letter, said he did not know whether he was to wait for an answer, and he was told there was none.

I have forwarded to your Lordship the substance of this despatch by telegraph.

No. 17.

Lord Lyons to Earl Granville.—(Received November 16.)

(Extract.) *Tours, November 14, 1870.*

A NEWSPAPER telegram from St. Petersburgh which reached Tours yesterday gave an accurate account of the declaration made by the Emperor of Russia respecting the Treaties of 1856. The Comte de Chaudordy having spoken to me on the subject, I allowed him to read the copy of Prince Gortchakoff's Circular despatch to Baron Brunnow of the 19th October, which I had received in the morning. I also gave him in general terms a notion of the sort of answer which your Lordship proposed as a first step to return to it, and I told him that you thought of sending Mr. Odo Russell to Versailles to confer with the Prussian authorities on this matter.

This morning M. de Chaudordy told me that he had not yet received any communication on the subject from the Russian Chargé d'Affaires, but that of course it had not escaped the notice of the Government.

No. 18.

*Earl Granville to Lord Lyons.**

(Extract.) *Foreign Office, November* 17, 1870.

MUSURUS PASHA called upon me yesterday. His Excellency renewed the complaints he had previously made of the unjustifiable pretension of the Russian Government to abjure any of the obligations of the Treaty of 1856; and he asked my advice as to the course which the Turkish Government should pursue.

I told him the character of the answer which Her Majesty's Government had returned to the Russian communication, and I said it appeared to me that Turkey might adopt a somewhat similar answer.

M. Musurus believes that Turkey would take no step without communicating and consulting with England.

No. 19.

Earl Granville to Lord Lyons.†

(Extract.) *Foreign Office, November* 17, 1870.

M. DE CADORNA informed me yesterday that M. Visconti Venosta reserved the expression of his opinion on the Russian Circular, being ignorant of the impressions which it had produced on the Turkish Government, the party principally interested, and being unwilling, from a sentiment of equity, to make any premature statement in this serious question, in which Italy only looked to the maintenance of peace and of the equilibrium in the East. If it were shown that the revision of certain clauses in the Treaty of Paris was seasonable and necessary for the further confirmation of its fundamental basis, Italy would not refuse to examine them in concert with other Powers.

The Cabinet of Vienna was urgent that, in concert with England, the measure taken by Russia should be declared inadmissible.

M. Visconti Venosta desired, before pronouncing himself on the substance of the affair, to ascertain the real dispositions of England, and, if possible, the result of Mr. Odo Russell's mission.

I observed that I had already told M. Cadorna the substance of the answer Her Majesty's Government had sent; that I had no further information to give him. I added that I would not fail to give the Italian Government full and confidential information.

M. de Cadorna pointed out that M. de Venosta had reserved to himself complete liberty of action, and was only anxious not to commit his Government before he was well acquainted with the views of the other parties to the Treaty.

No. 20.

Earl Granville to Lord Lyons.

(Extract.) *Foreign Office, November* 17, 1870.

M. TISSOT informed me to-day that up to the 14th instant M. de Chaudordy had received no communication from the Russian Chargé d'Affaires on the subject of the declaration recently made by Prince Gortchakoff, and that he had consequently pointed out to your Excellency that it was impossible for him to express a decided opinion until the Delegation of the Government of National Defence at Tours had taken cognizance of the document which would probably be delivered to it by order of the Russian Chancellor.

M. de Chaudordy added that the French Government being engrossed beyond everything with such serious questions connected with the destiny of the country, considered it more natural that England and the other Powers who signed the Treaty of 1856 should examine the Russian declaration, and thereupon make known to it their impression. The French Government would then be fully prepared to consider in common the duties imposed upon them by this new state of affairs.

M. Tissot said that he was instructed to express himself to me in this sense, and to state the extreme interest which the Government of National Defence would feel in being made acquainted with the resolutions which the Cabinet of London might adopt.

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* A similar despatch was addressed to Sir H. Elliot.

† A similar despatch was addressed to Sir A. Paget.

No. 21.

Sir A. Paget to Earl Granville.—(Received November 19.)

My Lord, *Florence, November 15, 1870.*

ON Friday last, the 11th instant, the Russian Minister called upon M. Visconti Venosta and read a despatch to his Excellency from Prince Gortchakoff, of which he also left him a copy, in which the Russian Chancellor, after referring to the various modifications which have been introduced into the provisions of the Treaty of Paris of 1856, concludes by announcing the intention of His Majesty the Emperor of Russia to denounce the Special Convention between Russia and Turkey by which the amount of the naval forces to be maintained by each Power in the Black Sea is limited.

M. Visconti Venosta did not conceal from Baron Uxküll the painful impression and the surprise produced upon him by this communication.

His Excellency told Baron Uxküll that the only reply he could then give him was that, faithful to the traditional policy of Italy in regard to Eastern affairs, the Italian Government must look for a solution of the present unexpected complication in an accord with the other Powers signataries of the Treaty of Paris.

M. Visconti Venosta, whom I saw immediately after his interview with Baron Uxküll, expressed to me his utmost anxiety to be made acquainted as promptly as possible with the views of Her Majesty's Government.

Yesterday Baron Uxküll called again upon M. Visconti Venosta, in the expectation that his Excellency would have had time to communicate with other Governments and be in a position to give him some more positive answer as to the course intended to be pursued by the Italian Govermnent.

M. Visconti Venosta informed me to day that he limited his reply yesterday nearly to the same terms as those he had employed on the first occasion. He told the Russian Minister that he felt it due to the Power principally interested (Turkey) not to say more until he became acquainted with the views of the Ottoman Government. His Excellency states, however, that he added that if the other Powers should come to an agreement that it was desirable to modify some of the stipulations of the Treaty of Paris, the Italian Government would not refuse to co-operate in this work, on the understanding, of course, that the main object of the Treaty—the integrity, stability, and independence of the Turkish Empire—were maintained. He said this to prove to the Russian Minister that the Italian Government was always animated by conciliatory sentiments, and also because if other Governments were of opinion that alterations in the Treaty could be agreed to without inconvenience or danger, it did not appear to him that it behoved Italy by itself to be an obstacle to such arrangements. His Excellency, however, begged Baron Uxküll to understand that he reserved, until he should be in possession of the views of other Governments, the formal reply of the Cabinet of Florence to Prince Gortchakoff's communication.

I am enabled to state that it is M. Visconti Venosta's desire to shape as far as possible the policy of the Italian Government in the present grave conjuncture in accordance with that which will be followed by Her Majesty's Government and Austria.

I have, &c.

(Signed) A. PAGET.

No. 22.

Lord Lyons to Earl Granville.—(Received November 19.)

(Extract.) *Tours, November 17, 1870.*

I HAD this morning the honour to receive your Lordship's telegram, informing me that your answer to the Russian communication respecting the Treaties of 1856 would be delivered to Prince Gortchakoff on that day; and accordingly, I allowed Comte de Chaudordy to read your Lordship's despatch to Sir Andrew Buchanan of the 10th instant, in which it is contained: and at his request I promised to let him have a copy of that despatch.

M. de Chaudordy told me that, not a little to his surprise, Prince Gortchakoff's Circular had not yet been communicated to the Government here by the Russian Chargé d'Affaires. The Government had, however, not failed to take the subject into serious consideration.

No. 23.

Sir A. Buchanan to Earl Granville.—(*Received November* 21.)

(Extract.) *St. Petersburgh, November* 13, 1870.

ALTHOUGH the declaration addressed to the Great Powers relative to the Black Sea is generally known here, no newspaper has yet referred to it, nor has any Russian spoken of it to myself, or to any member of Her Majesty's Embassy.

No. 24.

Sir A. Buchanan to Earl Granville.—(*Received November* 21.)

(Extract.) *St. Petersburgh, November* 15, 1870.

YOUR Lordship's despatches of the 9th and 10th instant were delivered to me this evening by Queen's messenger Ball, and I shall proceed to-morrow morning to Czarskoe Seloe to deliver a copy of that dated the 10th instant to Prince Gortchakoff. In the meanwhile I have the honour to inform your Lordship that the Russian despatch, to which it replies, was published in the "Official Messenger" of this day.

No. 25.

Sir A. Buchanan to Earl Granville.—(*Received November* 21.)

My Lord, *St. Petersburgh, November* 16, 1870.

I CALLED upon Prince Gortchakoff this morning at Czarskoe Seloe, and read to him your Lordship's despatch of the 10th instant, having previously acquainted him with your language to Baron Brunnow, when he delivered to you Prince Gortchakoff's despatches of the 31st October and 1st November, as reported in your Lordship's despatch of the 9th instant.

Prince Gortchakoff said he would reply to your Lordship's observations calmly; but, in the meanwhile, he requested me to assure you that the Government of the Emperor, in the steps which they had taken, had no motives but to remove a stain on the honour of Russia, and at the same time to establish more securely the amicable relations of Turkey and Russia. He then went on to recapitulate and develop the arguments in his despatch on which he bases the right of Russia to denounce certain Articles of the Treaty of 1856; and I said his observations were entirely irrelevant, as your Lordship objected, *in limine*, to any Power arrogating to itself the right to terminate a Treaty without the assent of the other Parties to it. It was, not, therefore, I said, to the question of the revision of the Treaty, but to the form in which it had been presented to them, that Her Majesty's Government objected; and I intimated that it appeared to me the Emperor's unwillingness to submit any longer to what he considered a humiliation might have been put forward just as strongly without enumerating the untenable doctrines of the Russian declaration. His Excellency said he could not discuss that point with me, as the Emperor's decision was irrevocable, and that Turkey would consult her best interests by assenting to it, as she would then secure the future goodwill of Russia: but if she followed another course, either spontaneously or by the advice of other Powers, she would expose herself to the most serious dangers; for though the policy of Russia was so entirely pacific that she had not added a soldier to her army in raising this question, there could be no doubt that the Christian populations in the Ottoman Empire, whose past tranquillity was greatly to be attributed to the influence of Russia, would rise in arms against the Sultan on the first misunderstanding between the two Governments.

I answered that it was unnecessary for me to enter into any discussion with him on the subject, as your Lordship's despatch had explained fully the views of Her Majesty's Government upon it, and that I hoped he would find in them reasons for endeavouring to remove the difficulty which now stands in the way of the consideration of the question.

Before the close of our conversation, however, he said he was surprised at the sentiments at present expressed by Her Majesty's Government as to the abrogation of Treaties, as they had accepted without remonstrance the changes which had taken place in Germany in 1866 by the extinction of the German Confederation and the Kingdom of Hanover.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 26.

Lord A. Loftus to Earl Granville.—(Received November 21.)

(Extract.) *Berlin, November 19, 1870.*

ON my calling on Baron Thile to-day, his Excellency observed that a grave event had occurred since we had last met—alluding to the Russian Circular. He stated to me that it had taken him entirely by surprise, and he assured me that he had reason to know that it will have been equally a surprise to Count Bismarck.

His Excellency, in reply to my inquiry, stated that he had just seen Count Wimpffen, the Austrian Minister at this Court, as also Count Launay, the Italian Minister, both of whom had expressed a wish to know what view the Prussian Government took of the Russian communication, and what course they intended to pursue.

Baron Thile had replied to both that he had received no instructions from Count Bismarck on the subject, further than to announce the intended visit to Versailles of Mr. Odo Russell, and that Count Bismarck could give no opinion on the Russian communication until he had communicated with him.

No. 27.

Count Beust to Count Chotek.—(Communicated to Earl Granville by Count Apponyi, November 22.)

M. le Comte, *Vienne, le 16 Novembre, 1870.*

L'ENVOYE de Russie m'a remis il y a quelques jours copie d'une dépêche dont vous trouvez également une copie ci-annexée.

Je me suis empressé de la placer sous les yeux de l'Empereur et Roi notre auguste Maître, et c'est d'ordre de Sa Majesté que je vous charge de porter les observations suivantes à la connaissance de M. le Prince Gortchakoff.

Voici ce que porte l'Article XIV du Traité conclu à Paris le 30 Mars, 1856 :—

"Leurs Majestés l'Empereur de toutes les Russies et le Sultan, ayant conclu une Convention à l'effet de déterminer la force et le nombre des bâtiments légers, nécessaires au service de leurs côtes, qu'elles se réservent d'entretenir dans la Mer Noire, cette Convention est annexée au présent Traité, et aura même force et valeur que si elle en faisait partie intégrante. Elle ne pourra être ni annulée ni modifiée sans l'assentiment des Puissances signataires du présent Traité."

Le dernier paragraphe de cet Article par ses termes positifs acquiert une valeur particulière en ajoutant expressément et exceptionnellement une stipulation qui, de tout temps, a été regardée comme sous-entendue dans chaque transaction internationale.

Nous ne saurions donc concevoir ni admettre un doute sur la force absolue de cet engagement réciproque lors même que l'une ou l'autre des Parties Contractantes se croirait dans le cas de faire valoir les considérations les mieux fondées contre le maintien de telle ou telle disposition d'un Traité qu'on est convenu de déclarer d'avance ne pouvoir jamais être ni annulé ni modifié sans l'assentiment de toutes les Puissances qui l'ont signé.

C'est uniquement pour ne pas manquer aux égards dus au Cabinet de St. Pétersbourg que sans nous arrêter à ce simple renvoi qui résume toute notre pensée sur l'ouverture qu'il vient de nous faire, que nous entrons dans un examen des arguments sur lesquels repose cette communication.

La dépêche de M. le Chancelier de Russie commence par relever une certaine inégalité ou iniquité dont les dispositions du Traité seraient entâchées en ce qu'elles limitaient les moyens de défense de la Russie dans la Mer Noire tandis qu'elles permettaient à la Turquie d'entretenir des forces navales illimitées dans l'Archipel et les Détroits.

Il ne nous appartient pas de discuter ni l'origine ni la valeur d'un arrangement qui n'a pas été passé entre la Russie et nous, mais qui est commun à toutes les Grandes Puissances. Nous nous permettrons seulement de faire observer à M. le Prince Gortchakoff que réflexion pareille peut empêcher la signature d'un Traité, et qu'après la signature elle peut servir de base d'une demande de modification, mais que jamais elle ne peut autoriser une solution arbitraire. Nous dirons plus. Les raisons que le Gouvernement de Russie met en avant pour justifier un acte unilatéral, loin d'en atténuer la portée, ne font qu'ajouter à la gravité des considérations qui s'y rattachent. La maxime qu'il lui plait d'adopter compromet non-seulement tous les Traités existants, mais encore ceux à venir. Elle peut contribuer à les rendre faciles, elle ne servira pas à les rendre solides.

Cependant le Cabinet de St. Pétersbourg rappelle des dérogations auxquelles le Traité de 1856 n'aurait pas échappé.

Il est question de révolutions qui s'étaient accomplies dans les Principautés Danubiennes, et qui, contrairement à l'esprit et à la lettre du Traité et de ses annexes, avaient conduit à l'union des Principautés et à l'appel d'un Prince étranger.

Qu'il nous soit permis de faire ressortir un point qui nous semble capital.

Les Principautés de Moldavie et de Valachie n'étaient point Partie Contractante du Traité de 1856. Elles se trouvent sous la suzeraineté de la Porte Ottomane. Etait-ce bien celle-ci qui était responsable des changements survenus dans ces pays, et qui aux yeux du Gouvernement Impérial de Russie constituent une infraction aux Traités ? Est-ce bien elle qui a demandé qu'on les sanctionnât, et n'est-ce pas elle qui aujourd'hui doit accepter une infraction évidemment préjudiciable à ses droits et à ses intérêts ?

Reste l'entrée de quelques bâtiments de guerre étrangers dans la Mer Noire. Ces faits nous sont inconnus, à moins qu'il ne s'agisse des bâtiments de guerre désarmés qui servaient d'escorte à des Souverains. Ces apparitions, le Cabinet de St. Pétersbourg ne l'ignore pas, avaient certes un caractère bien inoffensif. Rien d'ailleurs n'empêchait le Gouvernement de Russie de porter plainte du moment où elles lui paraissaient incompatibles avec les dispositions du Traité.

Le Gouvernement de Sa Majesté Impériale et Royale Apostolique n'a donc pu apprendre qu'avec un pénible regret la détermination que nous annonce la dépêche de M. le Prince Gortchakoff, et par laquelle le Gouvernement Impérial de Russie assume sur lui une grave responsabilité. Il lui est impossible de ne pas en témoigner sa profonde surprise, et d'appeler la sérieuse attention du Cabinet Impérial sur les conséquences d'un procédé qui non-seulement porte atteinte à un acte international signé par toutes les Grandes Puissances, mais qui se produit encore au milieu de circonstances où plus que jamais l'Europe a besoin des garanties qu'offre à son repos et à son avenir la foi des Traités.

Vous donnerez lecture de la présente dépêche à M. le Prince Gortchakoff, et vous lui en laisserez copie.

Recevez, &c.
(Signé) BEUST.

(Translation.)

M. le Comte, *Vienna, November* 16, 1870.

THE Russian Ambassador some days since delivered to me a copy of a despatch of which you will find a copy annexed.

I hastened to submit the same to the Emperor and King our august Master, and by command of His Majesty I charge you now to bring the following observations to the knowledge of Prince Gortchakoff.

Article XIV of the Treaty concluded at Paris on the 30th March, 1856, contains the following :—

"Their Majesties the Emperor of all the Russias and the Sultan, having concluded a Convention for the purpose of settling the force and the number of light vessels necessary for the service of their coasts which they reserve to themselves to maintain in the Black Sea, that Convention is annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof. It cannot be either annulled or modified without the assent of the Powers signing the present Treaty."

The last sentence of this Article by its positive terms acquires a particular value, by adding expressly and exceptionally a stipulation which at all times was regarded as implied in every international transaction.

We could not therefore conceive nor admit a doubt as to the absolute force of this reciprocal engagement even should one or other of the Contracting Parties think itself in the position to advance the most substantial considerations against the maintenance of any of the stipulations of a Treaty, of which it had been agreed to declare beforehand that it could never be either annulled or modified without the assent of all the Powers that signed it.

It is only in order not to be wanting in the regard due to the Cabinet of St. Petersburgh that, instead of confining ourselves to this simple rejoinder, in which are summed up all our ideas respecting the overture which it has made to us, we enter upon an examination of the arguments upon which this communication is based.

The despatch of the Chancellor of Russia commences by pointing out a certain inequality and injustice by which the provisions of the Treaty are said to be tainted, in so far as they limited the means of defence of Russia in the Black Sea, whilst they allowed Turkey to maintain an unlimited naval force in the Archipelago and the Straits.

It is not part of our duty to discuss either the origin or the value of an arrangement which has not been made between Russia and ourselves, but which is an affair common to

all the Great Powers. We allow ourselves only to observe to Prince Gortchakoff that such a reflection can prevent the signature of a Treaty, and that after the signature it may serve as a basis of a demand for modification, but that it can never authorize an arbitrary solution. We will say more. The reasons which the Russian Government put forward in order to justify a one-sided act, so far from lessening its import, add only to the gravity of the considerations which it calls forth. The maxim it has pleased them to adopt compromises not only all existing Treaties, but also those to come. It can contribute to render them facile, but it will not serve to make them durable.

However, the Cabinet of St. Petersburgh calls to mind the infractions from which the Treaty of 1856 has not escaped.

Mention is made of revolutions that had been accomplished in the Danubian Principalities, and which, contrary to the spirit and the letter of the Treaty and its annexes, had led to the union of the Principalities and the election of a foreign Prince.

We may be permitted to bring under notice one point which appears to us of capital importance.

The Principalities of Moldavia and Wallachia were not Contracting Parties to the Treaty of 1856. They are under the the suzerainty of the Ottoman Porte. Was the latter, then, responsible for the changes which occurred in those countries, and which in the eyes of the Imperial Government of Russia constitute an infraction of the Treaties? Did it demand their sanction, and is it not the Porte which is now called on to accept an infraction evidently prejudicial to its rights and interests?

There remains the entrance of some foreign ships of war into the Black Sea. We are unacquainted with the facts, unless the unarmed ships of war which served to escort Sovereigns are those alluded to. The Cabinet of St. Petersburgh cannot but be aware that these appearances were certainly of a very inoffensive character. Nothing, moreover, prevented the Government of Russia from protesting at the moment when the same appeared to them incompatible with the provisions of the Treaty.

The Government of his Imperial and Royal Apostolic Majesty has therefore learnt with painful regret the determination which the despatch of Prince Gortchakoff announces to us, and by which the Imperial Government of Russia assumes a grave responsibility. It is impossible not to give expression to our profound surprise, and to call the serious attention of the Imperial Cabinet to the consequences of a proceeding which not only violates an international act signed by all the Great Powers, but which takes place also in the midst of circumstances in which Europe has more than ever need of the guarantees which the sanctity of Treaties offer for her tranquillity and future.

You will read this despatch to Prince Gortchakoff, and leave him a copy of it.

Receive, &c.

(Signed) BEUST.

No. 28.

Count Beust to Count Chotek.—(Communicated to Earl Granville by Count Apponyi, November 22.)

M. le Comte, *Vienne, le 16 Novembre, 1870.*

APRES m'avoir communiqué la Circulaire du $\frac{19}{31}$ Octobre dernier à laquelle ma dépêche précédente de ce jour sert de réplique, M. l'Envoyé de Russie m'a donné lecture de quelques passages d'une autre dépêche de son Cabinet, relative à la même affaire, mais portant un caractère plus confidentiel.

Dans cette pièce, M. le Prince Gortchakoff, faisant appel à nos sentiments d'amitié pour la Cour de Russie, exprime l'espoir de nous trouver d'autant plus disposés à juger avec faveur sa détermination de s'affranchir des stipulations réglant la neutralisation de la Mer Noire que le Gouvernement Impérial et Royal avait lui-même, dès le mois de Janvier 1867, pris l'initiative d'une proposition dont l'effet eût été de dégager la Russie des restrictions qui lui imposaient ces mêmes stipulations.

J'ai répondu à M. Novikoff que, sans nul doute, nous avions toujours témoigné le plus vif désir de consolider nos bons rapports avec la Cour de St. Pétersbourg, et que l'initiative rappelée par le Prince Gortchakoff avait été l'expression la plus éclatante peut-être de ce bon vouloir de notre part; mais que je ne pouvais me défendre d'un sentiment de regret en reportant mes souvenirs sur la démarche dont il s'agit, et en me retraçant l'accueil plus que froid qu'elle avait rencontré auprès de ceux-là même qui eussent dû s'y montrer les plus sensibles. M. le Chancelier ne peut avoir oublié qu'au lieu d'éveiller dans son esprit un écho sympathique, elle ne provoqua de sa part que des critiques et des reproches que nous ne nous attendions certes pas à voir se produire de ce côté. Le

prédécesseur de votre Excellence ne put que nous mander alors que le Chef du Cabinet Russe trouvait notre manière d'agir précipitée ; que, dans son opinion, elle avait suscité sans nécessité la méfiance du Gouvernement Français, et que l'idée, mise en avant par nous, d'une Conférenee pour le règlement des questions à résoudre en Orient lui semblait peu propre à assurer un résultat satisfaisant. A coup sûr, cette manière de répondre à une avance aussi loyale que bienveillante était faite pour exciter notre surprise. La Russie pouvait contester l'opportunité de notre proposition, à laquelle l'adhésion de la France et de l'Angleterre avait fait défaut ; mais la pensée qui l'avait inspirée, pensée toute bienveillante pour la Russie et favorable à ses vœux, n'en constituait pas moins une preuve manifeste de nos bonnes dispositions qui méritait d'être mieux accueillie.

J'ai signalé, en outre, à M. l'Envoyé de Russie la différence essentielle qui existe entre la combinaison suggérée par nous en 1867 et la déclaration que son Gouvernement vient d'émettre. Aux termes de notre projet, les entraves apportées à la liberté d'action de la Russie dans l'Euxin devaient être écartées dans les formes déterminées par le Traité même et non par un simple acte unilatéral. De ce que nous avions recommandé—l'abrogation égale, prononcée par l'unanimité des Cours signataires, il ne s'en suivait nullement que nous dussions approuver une annulation arbitrairement et isolément signifiée par la partie obligée. L'Article XIV du Traité du 30 Mars, 1856, porte en toutes lettres que la Convention conclue le même jour entre les deux Etats Riverains de la Mer Noire ne pourra être ni annulée ni modifiée sans l'assentiment des Puissances garantes, et je ne comprendrais donc pas que le Gouvernement Russe, en suivant aujourd'hui, pour la libérer des charges de cette Convention, un mode de procéder diamétralement opposé à es clause que je viens de citer, pût nous taxer d'inconséquence, lorsque c'est précisément l'application de cette clause qui formait la base de notre programme.

Enfin, ai-je fait observer à M. Novikoff, la marche proposée à cette époque par le Cabinet Impérial et Royal n'était aucunement de nature à entraîner les dangereuses conséquences qu'il y a lieu de redouter de l'acte récent du Cabinet de St. Pétersbourg. En obtenant, de l'aveu de l'Europe, le retrait de l'interdiction qui empêche le développement de ses forces navales dans la Mer Noire, la Russie recouvrait la position qui lui est due dans ces parages, sans qu'il eût fallu en concevoir des alarmes. Il n'en est pas ainsi aujourd'hui. La démarche qui vient d'être faite ne saurait manquer d'exciter les plus sérieuses inquiétudes. Dans l'Europe Occidentale elle produit déjà une irritation des esprits fort préjudiciable à la cause de la paix ; dans le Levant, cet essai de la Russie de se faire justice elle-même sera envisagé sans doute comme une preuve que cette Puissance a jugé le moment venu de prendre en main la solution de ce qu'on est convenu d'appeler la question d'Orient. Les imaginations si ardentes des peuples Chrétiens de ces contrées y trouveront un stimulant des plus actifs. L'exemple frappant d'un Etat dont le prestige est si grand à leurs yeux leur semblera désormais, nous le craignons, justifier toutes les agitations et toutes les violences.

Le Chancelier Russe ne saurait disconvenir qu'il y a là de quoi nous préoccuper, et il ne s'étonnera donc pas que nous prenions très au sérieux la surprise qu'il a menagée au monde politique. Nous voyons, dans l'attitude prise par le Cabinet de St. Pétersbourg non pas une menace directe à l'Europe, mais une cause de perturbation fâcheuse, mettant en peril son repos et sa séourité.

Je n'ai jamais fait mystère de ma conviction que les transactions de 1856 ont placé la Russie, sur la Mer Noire, dans une situation peu digne d'une Grande Puissance, en amoindrissant le rôle qu'elle est appelée à jouer dans les eaux qui baignent son territoire, et je n'ai rien négligé, je puis le dire, pour faire partager cette conviction aux autres Cours garantes. Aussi n'en ai-je été que plus peiné de voir le Gouvernement Impérial recourir, pour le redressement de ses griefs, à un moyen qui, sous tous les rapports, me paraît le moins heureusement choisi.

Tel est le langage que j'ai tenu à M. Novikoff en cette circonstance. J'ai cru utile de le reproduire dans la présente dépêche, dont votre Excellence voudra bien donner lecture à M. le Prince Gortchakoff, et dont elle est même autorisée à lui laisser copie s'il en témoignait le désir.

Recevez, &c.
(Signé) BEUST.

(Translation.)

M. le Comte, *Vienna, November* 16, 1870.

AFTER having communicated to me the circular of the $\frac{19th}{31st}$ October last, to which my previous despatch of to-day serves as a reply, the Envoy of Russia read to me several passages of another despatch of his Cabinet relative to the same affair, but bearing a more confidential character.

In this paper Prince Gortchakoff, appealing to our sentiments of friendship towards the Russian Court, expresses a hope of finding us the more disposed to judge favourably its determination to free itself from the stipulations regulating the neutralization of the Black Sea, as the Imperial and Royal Government themselves, as early as the month of January 1867, had taken the initiative in a proposal the effect of which would have been to disengage Russia from the restrictions which those same stipulations imposed upon her.

I replied to M. Novikoff that doubtless we had always testified the most lively desire to consolidate our good relations with the Court of St. Petersburgh, and that the initiative referred to by Prince Gortchakoff was perhaps the most striking expression of this good-will on our part; but that I could not help a feeling of regret in recalling to my memory the overture in question, and remembering the more than cool reception which it had met from those who should have shown themselves most favourable to it. The Chancellor cannot have forgotten that, instead of awaking a sympathetic echo in his mind, it provoked only criticisms and reproaches on his part, which we had certainly not expected from that quarter. Your Excellency's predecessor was at that time merely able to announce to us that the Chief of the Russian Cabinet thought our mode of proceeding precipitate; that in his opinion, it had needlessly roused the distrust of the French Government, and that the idea of a Conference advanced by us for regulating the questions to be solved in the East appeared to him little adapted to secure a satisfactory result. Certainly, this manner of reply to an advance as loyal as well meant was calculated to excite our surprise. Russia might demur to the opportuneness of our proposal, to which the adherence of France and England had not been given, but the idea which had prompted it, a thought entirely friendly to Russia and favourable to her desires, constituted none the less a manifest proof of our friendly dispositions, which merited a better reception.

I have, besides, pointed out to the Russian Envoy the essential difference which exists between the combination suggested by us in 1867 and the declaration which his Government has just issued. According to the terms of our project, the restraints imposed on the liberty of action of Russia in the Euxine were to be removed according to the forms laid down by the Treaty itself, and not by a simple one-sided act. From the circumstance that we had recommended a legal abrogation unanimously pronounced by the signatory Courts, it by no means followed that we must approve of an arbitrary and isolated annulment by the party bound. Article XIV of the Treaty of the 30th March, 1856, says distinctly that the convention concluded on the same date between the two Riverain States of the Black Sea can be neither cancelled nor modified without the assent of the guaranteeing Powers, and I do not therefore comprehend how the Russian Government, in pursuing to-day, for the purpose of liberating itself from the burdens of this Convention, a mode of proceeding diametrically opposed to the clause which I have just quoted, can charge us with inconsistency, when it was precisely the application of this clause which formed the basis of our programme.

Lastly, I observed to M. Novikoff that the step advocated by the Imperial and Royal Government at that time was by no means of a nature involving the dangerous consequences, which, on the contrary, there is reason to fear from the recent act of the Cabinet of St. Petersburgh. By obtaining, with the consent of Europe, a retractation of the interdiction which prevents the development of her naval forces in the Black Sea, Russia would have recovered the position to which she is entitled in those quarters without necessarily creating alarm. This is not the case now. The step taken by her cannot fail to excite most serious uneasiness. In Western Europe it is already producing an irritation most prejudicial to the cause of peace; in the Levant this attempt of Russia to obtain justice for herself ("de se faire justice elle-même") will no doubt be regarded as a proof that this Power judges the moment come to take in hand the solution of what, by common consent, is called the Eastern question. The ardent imagination of the Christian populations in those countries will find therein a very powerful stimulant. The striking example of a State whose prestige is so great in their eyes will, we fear, henceforth seem to them to justify all sorts of agitation and violence.

The Russian Chancellor will not deny that there is here reason for concern on our part, and he will, therefore, not be astonished that we consider very serious the surprise which he has prepared for the political world. We see in the attitude taken by the Cabinet of St. Petersburgh, not a direct menace to Europe, but a cause of unfortunate perturbation, which imperils its peace and security.

I have never made a secret of my conviction that the Treaties of 1856 have placed Russia, in the Black Sea, in a situation unworthy of a great Power, since they limit the part she has to play in the waters which wash her territory, and I can say I have lost no opportunity of inducing the other guaranteeing Courts to share this conviction. It has, therefore, so much the more pained me to see that the Imperial Government has chosen

a way for the redress of its grievances which, regarded from every point of view, appears to me most unhappily chosen.

Such is the language I have held to M. Novikoff in this affair. I deemed it useful to reproduce it in this despatch, which your Excellency will be good enough to read to Prince Gortchakoff, and you are also authorized to leave him a copy if he should express a desire to that effect.

Receive, &c.
(Signed) BEUST.

No. 29.

Earl Granville to Lord Bloomfield.

My Lord, *Foreign Office, November* 22, 1870.

COUNT APPONYI, after thanking me in the name of Count Beust for the speedy explanation of the views of Her Majesty's Government on the recent declaration of Russia with regard to the Treaty of 1856, communicated to me the two answers which the Imperial and Royal Government had returned respectively to Prince Gortchakoff's Circular of the $\frac{19th}{31st}$ ultimo, and to the despatch which he had addressed specially to the Austrian Government on the subject.

Copies of these papers are inclosed for your information.*

Count Apponyi asked me what were my impressions of them.

I said that the answer to the despatch seemed, as between Count Beust and Prince Gortchakoff, to be able and conclusive.

The answer to the Circular struck me as being also truthful and satisfactory. The principal differences between this answer and ours appeared to be, first, that Count Beust had gone into some details as to the Russian claims, which I had purposely avoided, confining myself to objecting to the assumption of Russia that she had a right to absolve herself from Treaty obligations; secondly, that Austria did not, as distinctly as we did, decline to sanction the Russian proceeding.

I am, &c.
(Signed) GRANVILLE.

No. 30.

Lord Lyons to Earl Granville.—(Received November 23.)

My Lord, *Tours, November* 19, 1870.

THE Comte de Chaudordy told me this afternoon that Prince Gortchakoff's Circular of the $\frac{19th}{31st}$ October, respecting the Treaties of 1856, had been communicated to him the day before by M. Okouneff, the Russian Chargé d'Affaires.

M. Okouneff had, he said, read to him at the same time passages very friendly to France from a separate letter, but had not left with him a copy of that letter.

On my part, I gave M. de Chaudordy a copy of your Lordship's despatch to Sir Andrew Buchanan of the 10th instant, which contains your answer to the Russian Circular.

I have, &c,
(Signed) LYONS.

No. 31.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, November* 23, 1870.

I HAVE received your despatch of the 16th instant, reporting what passed between your Excellency and Prince Gortchakoff on your delivering to him a copy of my despatch of the 10th instant, respecting the Russian Circular; and I have to acquaint you that Her Majesty's Government approve the language you held on that occasion.

I am, &c.
(Signed) GRANVILLE.

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* Nos. 27 and 28.

No. 32.

Earl Granville to Lord Bloomfield.

(Extract.) *Foreign Office, November* 23, 1870.

COUNT APPONYI told me, in conversation a few days ago, that it was Count Beust's intention to answer Prince Gortchakoff's despatch respecting the Treaty of 1856 in the same manner as had been done by Her Majesty's Government.

I told his Excellency that I heard with pleasure that Austria intended to adopt a tone of remonstrance similar to our own.

No. 33.

Earl Granville to Sir A. Paget.

Sir, *Foreign Office, November* 23, 1870.

I HAVE received your despatch of the 15th instant, reporting the substance of the communications which have passed between M. Visconti Venosta and the Russian Minister with reference to Prince Gortchakoff's Circular relating to the Treaty of Paris of 1856; and I have to instruct your Excellency to express to the Italian Government the satisfaction of that of Her Majesty at the language which they have held upon this subject.

I am, &c.
(Signed) GRANVILLE.

No. 34.

Sir H. Elliot to Earl Granville.—(Received November 24.)

(Extract.) *Therapia, November* 14, 1870.

I SAW Aali Pasha this morning, and found his Highness deeply impressed by the news of the denunciation by Russia of portions of the Treaty of 1856, of which he had been informed by the Austrian Ambassador.

No communication whatever upon the subject has, however, as yet been made directly to the Porte by Russia, and even the nature of that which has been made to the other Powers is still very imperfectly known.

When the communication shall be made to the Porte, which he supposes it will be upon the return of General Ignatieff, who is expected at the end of the week, he will answer that Turkey and Russia have no right, separately, to come to any agreement upon a matter which was decided at an European Congress, not only in the interest of the Ottoman Empire, but in that, as was believed, of the peace of Europe, in which all were interested.

No. 35.

Earl Granville to Lord A. Loftus.

(Extract.) *Foreign Office, November* 24, 1870.

COUNT BERNSTORFF did me the honour of calling on me yesterday. During his visit the telegram from Mr. Odo Russell arrived reporting Count Bismarck's proposal for a Conference at St. Petersburgh, and stating that his Excellency was in favour of a revision of the Treaty of 1856 in the sense of the Russian demands.

I read the telegram to Count Bernstorff and expressed disappointment at its terms, but without going into any details.

M. de Bernstorff made a friendly observation inculcating moderation, and expressing a hope that no further complications would be added to the great ones now afflicting Europe.

This morning Count Bernstorff repeated his visit. His Excellency informed me that he had received a similar message from Count Bismarck, who instructed him to use all his influence in the sense of conciliation, and who advised the avoidance of polemical despatches circulated in the press.

I told his Excellency that I was glad to see him; that I expected to see Mr. Gladstone and several of my colleagues this afternoon, and that there would be a Cabinet to-morrow. He had probably observed that I had received the telegram from Mr. Russell with disappointment. Prussia had declared that Prince Gortchakoff's Circular was a perfect surprise to her. That Circular appeared to us to contain a principle subversive of all international engagements. It was defended by the Russian Ambassador on the ground of the examples which Germany had set.

Although Prussia was in a different position from some of the parties to the Treaty of 1856, yet she had signed it, and the pretension of Russia to denounce its provisions without concert with the other co-signataries appeared to be necessarily offensive against Prussia, who was included among them.

But no condemnation was expressed by Count Bismarck. He only stated that if we would ask the Prussian Government, they would ask Russia to agree to a Conference to be held at St. Petersburgh, whence the Circular that had caused so painful an impression had emanated, with a view apparently of giving, with the support of Prussia, to Russia all she desired.

I was glad to have an opportunity of asking M. de Bernstorff to show me in what way I could place any opposite arguments before my colleagues.

M. de Bernstorff said it was not a fair assumption to suppose that Prussia countenanced the Circular.

It had been a great surprise to the Government of the King and had placed His Majesty's advisers in considerable embarrassment. But in the same way as they recommended moderation to us, so they had done at St. Petersburgh; that the proposal for a Conference at St. Petersburgh was Prince Gortchakoff's, that the place had not been selected by Count Bismarck, and that it was the sincere desire of the Prussian Government to hasten a satisfactory conclusion of this question.

I thanked his Excellency for the friendliness and frankness of his communications.

I begged him to consider that the questions I had put were hypothetical; that I could not anticipate the judgment of my colleagues as to the possibility of a Conference in the present state of affairs; that supposing my colleagues were in favour of one, St. Petersburgh appeared to be out of the question; that it would be necessary to consult the other Parties to the Treaty; and that the Conference could not be agreed to subject to any foregone conclusion as to its results.

Count Bernstorff desired me to understand that what he had said was not the communication of precise instructions. He merely, in pursuance of the general directions to which he had already alluded, informed me of facts which he knew.

No. 36.

Prince Gortchakoff to Baron Brunnow.—(Communicated to Earl Granville by Baron Brunnow, November 25.)

M. le Baron, *Czarskoe-Seloe, le $\frac{8}{20}$ Novembre*, 1870.

M. L'AMBASSADEUR d'Angleterre m'a donné lecture et copie d'une dépêche de Lord Granville relative à nos communications du $\frac{19}{31}$ Octobre.

Je me suis empressé de la placer sous les yeux de Sa Majesté l'Empereur.

Notre auguste Maître s'est plu à y relever d'abord l'expression du désir sérieux du Cabinet de Londres d'entretenir une cordiale intelligence entre l'Angleterre et la Russie; ensuite, l'assurance qu'il ne se serait point refusé à un examen des modifications que les circonstances ont apportées dans les effets du Traité de 1856.

Quant au point de vue de droit strict établi par Lord Granville, nous ne voulons entrer dans aucune discussion, rappeler aucun précédent, ni citer aucun exemple, parcequ'un pareil débat ne conduirait pas à l'entente que nous désirons.

Notre auguste Maître a dû remplir un devoir impérieux envers son pays, sans vouloir blesser ni menacer aucun des Gouvernements signataires du Traité de 1856. Au contraire, Sa Majesté Impériale en appelle à leurs sentiments de justice et à la conscience de leur propre dignité.

Nous regrettons de voir que Lord Granville s'attache principalement à la forme de nos communications. Elle n'a pas été de notre choix. Certes nous n'aurions pas demandé mieux que d'arriver au résultat par un accord avec les signataires du Traité de 1856. Mais le Principal Secrétaire d'Etat de Sa Majesté Britannique sait bien que toutes les tentatives faites à diverses reprises pour réunir les Puissances en délibérations communes, afin d'écarter les causes de complication qui troublent la paix générale,

ont constamment échoué. La prolongation de la crise actuelle et l'absence d'un pouvoir régulier en France éloignent encore la possibilité d'un pareil concert. En attendant, la position faite à la Russie par ce Traité est devenue de plus en plus intolérable.

Lord Granville conviendra que l'Europe d'aujourd'hui est bien loin d'être celle qui a signé l'Acte de 1856. Il était impossible que la Russie consentît à rester, seule, indéfiniment liée à une transaction qui, déjà onéreuse lorsqu'elle a été conclue, perdait de jour en jour ses garanties.

Notre auguste Maître a trop la conscience de ce qu'il doit à son pays, pour lui imposer plus longtemps une obligation contre laquelle proteste le sentiment national.

Nous ne saurions admettre que l'abrogation d'un principe théorique sans application immédiate, qui ne fait que restituer à la Russie un droit dont aucune Grande Puissance ne saurait être privée, puisse être considérée comme une menace pour la paix, ni qu'en annulant un point du Traité de 1856 elle implique l'annulation du tout.

Telle n'a jamais été la pensée du Cabinet Impérial. Nos communications du $\frac{19}{31}$ Octobre déclarent, au contraire, de la manière la plus explicite que Sa Majesté l'Empereur maintient entièrement son adhésion aux principes généraux du Traité de 1856, et qu'elle est prête à s'entendre avec les Puissances signataires de cette transaction, soit pour en confirmer les stipulations générales, soit pour les renouveler, soit pour y substituer tout autre arrangement équitable qui serait jugé propre à assurer le repos de l'Orient et l'équilibre Européen.

Rien ne semble dès-lors s'opposer à ce que le Cabinet de Londres, si cela lui convient, entre en explications avec les Signataires du Traité de 1856.

Pour notre part, nous sommes prêts à nous associer à toute délibération qui aurait pour objet les garanties générales destinées à consolider la paix de l'Orient.

Nous sommes persuadés qu'elle en recevrait de nouvelles, si une cause permanente d'irritation étant écartée entre les deux Puissances les plus directement intéressées, leurs mutuelles relations se raffermissaient sur la base d'une bonne et solide intelligence.

Vous êtes invité, M. le Baron, à donner lecture et à laisser copie de cette dépêche à Lord Granville.

M. le Principal Secrétaire d'Etat de Sa Majesté Britannique vous a exprimé le regret qu'il éprouverait si cette discussion devait altérer l'accord que le Gouvernement de Sa Majesté la Reine s'est efforcé de maintenir entre les deux pays.

Veuillez exprimer à son Excellence combien ce regret serait partagé par le Cabinet Impérial.

Nous croyons l'accord des deux Gouvernements essentiellement utile aux deux pays, aussi bien qu'à la paix du monde. C'est avec une vive satisfaction que nous l'avions vu durant les dernières années devenir de plus en plus intime et cordial.

Les circonstances graves où nous sommes nous semblent de nature à le rendre plus désirable que jamais.

Recevez, &c.
(Signé) GORTCHAKOFF.

(Translation.)

M. le Baron, *Czarskoe-Seloe, November* $\frac{8}{20}$, 1870.

THE English Ambassador has read and given to me a copy of a despatch from Lord Granville relative to our communications of the $\frac{19\text{th}}{31\text{st}}$ October.

I have lost no time in laying it before His Majesty the Emperor.

Our august Master was glad to gather from it, in the first instance, the expression of the serious desire of the Cabinet of London to maintain a cordial understanding between England and Russia; further, the assurance that it would not have refused to join in an examination into the modifications which circumstances have introduced into the effects of the Treaty of 1856.

As regards the point of view of strict law established by Lord Granville, we do not wish to enter into any discussion, recall any precedent, or quote any example, because such a discussion would not lead to the understanding which we desire.

Our august Master thought it right to fulfil an imperative duty towards his country without wishing to wound or menace any one of the Governments who signed the Treaty of 1856. On the contrary, His Imperial Majesty appeals to their sentiments of justice and to the conscience of their own dignity.

We regret to see that Lord Granville lays stress principally on the form of our communications. It was not chosen by us. Certainly, we should have asked for nothing better than to obtain our purpose by an understanding with the signataries of the Treaty of 1856. But the Principal Secretary of State of Her Britannic Majesty well knows that all attempts made at different times to assemble the Powers in common deliberations with a

view to remove the causes of complication which disturb the general peace, have repeatedly failed. The prolongation of the actual crisis and the absence of a regular power in France remove still further the possibility of such concert. In the meanwhile, the position Russia is placed in by this Treaty became more and more intolerable.

Lord Granville will admit that the Europe of to-day is very far from being the Europe which signed the Treaty of 1856. It was impossible that Russia should consent alone to remain indefinitely fettered by a transaction which, already onerous when it was concluded, was losing its guarantees day by day.

Our august Master feels too much what he owes to his country to impose on it any longer an obligation against which the national sentiment protests.

We cannot admit that the abrogation of a theoretical principle without immediate application, which only restores to Russia a right of which no great Power can be deprived, can be regarded as a menace to peace, or that in annulling a point of the Treaty of 1856 the annulment of the whole can be implied.

Such has never been the intention of the Imperial Cabinet. Our communications of the $\frac{19th}{31st}$ October declare, on the contrary, in the most explicit manner, that His Majesty the Emperor maintains entirely his adhesion to the general principles of the Treaty of 1856, and that he is ready to come to an understanding with the Powers, signataries of that transaction, either to confirm its general stipulations, or to renew them, or to substitute for them any other equitable arrangement which might be thought proper to assure the tranquillity of the East and the balance of power of Europe.

After this nothing seems to prevent the Cabinet of London, if they choose, from entering into explanations with the signataries of the Treaty of 1856.

For our part we are ready to join in any deliberation having for its object the general guarantees destined to consolidate the peace of the East.

We are persuaded that fresh guarantees would be obtained if, a permanent cause of irritation between the two Powers most directly interested being removed, their mutual relations were to be re-established on the basis of a good and solid understanding.

You are requested, M. le Baron, to read and give a copy of this despatch to Lord Granville.

The Principal Secretary of State of Her Britannic Majesty has expressed to you the regret he would feel if this discussion should change the good understanding which the Government of Her Majesty the Queen has endeavoured to maintain between the two countries.

Pray express to his Excellency in how great a degree this regret would be shared by the Imperial Cabinet.

We believe an understanding between the two Governments to be essentially beneficial to the two countries, as well as to the peace of the world. We have seen this understanding with great satisfaction of late years becoming more and more intimate and cordial.

The grave circumstances in which we are placed seem to us to render it more desirable than ever.

Receive, &c.
(Signed) GORTCHAKOFF.

No. 37.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, November* 25, 1870.

I HAVE received and laid before the Queen and my colleagues your telegrams of the 21st and 22nd instant reporting the results of your two conversations with Count Bismarck.

In the former you state that Count Bismarck had expressed himself as taken by surprise by the Russian Circular; that he regretted it, but could not interfere or return an official answer to it at present; and that he showed the greatest anxiety to prevent the matter leading to hostilities. From the second it appears that his Excellency offers, with the consent of Her Majesty's Government, to take the initiative in proposing a Conference at St Petersburgh, which he understands Prince Gortchakoff would be ready to accept; that he strongly recommends St. Petersburgh as the place of meeting with a view to the speedy settlement of the question; and begs that Her Majesty's Government, if they agree, will invite the French Government to join. I understand from you that his Excellency is not indisposed to a revision of the Treaty in a sense favourable to the views of Russia.

You will inform Count Bismarck of the pleasure with which Her Majesty's Govern-

ment have learned that a communication which had made so painful an impression on themselves has not been received without surprise and regret by the Government of Prussia.

It is with pleasure also that they recognize the desire shown by his Excellency to bring to a satisfactory issue the differences between Russia and the other Powers parties to the Treaty of 1856.

Speaking for themselves, Her Majesty's Government have no objection to enter into a Conference for the purpose of considering any adequate statement of the grounds on which Russia may wish to bring before the co-signatary Powers a proposal for the revision of the Special Convention between herself and Turkey, annexed to and embodied in the Treaty of 1856.

Her Majesty's Government could only join in such a Conference on the express understanding that it should be in no way prejudiced by any previous assumption as to the result of its deliberations. They would, however, feel bound, in concert with the other Powers, to weigh with fairness and without bias any claims which Russia might advance and any proposals which she might make.

As regards the place of meeting of the Conference, there seems to be an obvious objection to Count Bismarck's suggestion of St. Petersburgh, and equally so to Constantinople: the same reasons do not apply to Berlin; but, during the unhappy continuance of the present war, it would be impossible for France to send a Representative to the Prussian capital. Her Majesty's Government would be willing to accept Vienna, Florence, or London as the place of meeting; or, should it be thought preferable to choose the capital of some State which was not a party to the Treaty under discussion, they would consent to the selection of the Hague, Brussels, or Berne.

On hearing from you that Count Bismarck concurs in the views set forth above, I shall be ready to communicate with the French Government.

I am, &c.
(Signed) GRANVILLE.

No. 38.

Earl Granville to Lord Lyons.

(Extract.) *Foreign Office, November 27, 1870.*

I HAVE been informed by Mr. Russell that Count Bismarck accepts the basis on which, as stated in my telegram of the 25th instant, Her Majesty's Government are prepared to enter into a Conference to consider the grounds on which Russia claims to be released from the obligations imposed upon her by the Treaty of 1856, in regard to the neutralization of the Black Sea; and that he further agrees that such Conference shall be held in London.

I have accordingly to request your Excellency at once to communicate to M. de Chaudordy the substance of my telegram, and in doing so you will express the hope of Her Majesty's Government that France will agree to take part in a Conference, under the condition that its deliberations and conclusions are not to be fettered by any previous assumption as to the result at which it may arrive.

No. 39.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, November 27, 1870.*

I RECEIVED late last night your telegram announcing that Count Bismarck agreed to the basis laid down by Her Majesty's Government for the proposed Conference, and to London as the place of meeting, and that he would telegraph to St. Petersburgh and Florence accordingly.

In compliance with his Excellency's request, conveyed in your telegram, I have communicated his assent to the Austrian and French Governments with a view to obtaining their concurrence in the Conference, and I will at once make a similar communication to the Porte.

I have also informed Her Majesty's Representatives at St. Petersburgh, Berlin, and Florence of what has passed.

I am, &c.
(Signed) GRANVILLE.

No. 40.

*Earl Granville to Sir A. Paget.**

Sir, *Foreign Office, November* 27, 1870.

I HAVE to acquaint you that Her Majesty's Government have, through Mr. Odo Russell, informed the Government of Prussia that they entertain no objection to entering with other Powers into a Conference with a view to consider any proposals which the Russian Government might be desirous of putting forward with a view to the revision of the Special Convention respecting the neutralization of the Black Sea, which is annexed to the General Treaty of Paris of 1856; on the understanding, however, that such Conference is not to be subject to any previous assumption in regard to its results, although at the same time the Government of Her Majesty would feel themselves bound to consider fairly and without bias any claims which the Russian Government might put forward, as well as any proposals which she might have to make.

In accepting the above conditions as the basis of negotiation, Count Bismarck also assents to London being the capital in which the Conference should be assembled.

I am assured that Count Bismarck will send telegrams in the above sense to Florence and St. Petersburgh, and I have, on my part, undertaken to make those arrangements known to the Governments of Austria and France, in order to obtain their concurrence also, and I shall likewise make a similar communication to the Porte through Her Majesty's Ambassador.

I am, &c.
(Signed) GRANVILLE.

No. 41.

Lord Bloomfield to Earl Granville.—(Received November 28.)

My Lord, *Vienna, November* 14, 1870.

THE messenger Hare arrived this morning, and I lost no time in apprizing Count Beust that I had received a copy of your Lordship's despatch to Sir Andrew Buchanan in answer to the Russian Circular, and would bring it whenever it would be convenient to his Excellency to receive me He begged me to call before 12 o'clock, at which hour he must attend the Counci I then delivered the copy into his Excellency's hands, without having time to read it to him, and he immediately took it to the Emperor, requesting me to call on him in the afternoon, when he would acquaint me with the dec sion which had been taken by His Imperial Majesty.

At our second interview Count Beust told me that your Lordship's despatch had been carefully examined, and that it had been decided at the Council that, though the Austn reply would not be drawn up in the same terms, in meaning and purport it would be same, and that it would be dispatched to St. Petersburgh in a couple of days. He could say no more at the present moment, but that he was glad to think the views of the t Governments on this question were identical.

I have, &c.
(Signed) BLOOMFIELD.

No. 42.

Lord Bloomfield to Earl Granville.—(Received November 28.)

My Lord, *Vienna, November* 16, 1870.

I CALLED to-day on Count Beust, when he told me that his answer to the Russian Circular will be dispatched this evening. It is drawn up in the same spirit, though varying in form, as your Lordship's despatch to Sir Andrew Buchanan, and is equally positive in its condemnation and rejection of the reasoning put forward by Prince Gortchakoff in justification of the decision which has been taken by the Russian Government.

His Excellency allowed me to read his despatch to Count Chotek, and told me a copy of it would be immediately sent to Count Apponyi, for communication to Her Majesty's Government.

I have, &c.
(Signed) BLOOMFIELD.

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* Similar despatches were addressed to Lord Bloomfield, Sir A. Buchanan, Sir H. Elliot, and Lord A. Loftus.

No. 43.

Lord Bloomfield to Earl Granville.—(Received November 28.)

(Extract.) *Vienna, November 23, 1870.*

COUNT BEUST has received a telegram from Count Chotek at St. Petersburgh, announcing the delivery of the Austrian answer to the Russian Circular of the 19th/31st ultimo, which does not appear to have called forth any serious observations from Prince Gortchakoff.

After giving me the above information Count Beust put into my hands a despatch he had addressed to Count Chotek as a reply to one of Prince Gortchakoff's which had been read to his Excellency by M. Novikoff, upon the occasion of his delivering a copy of the Circular.

Count Apponyi will have shown this despatch to your Lordship, and Count Beust tells me that he was glad to have been able to answer Prince Gortchakoff's observations regarding his despatch to Russia, now nearly three years old, on the subject of a revision of the Treaties of 1856, which had once created so much sensation.

No. 44.

Lord Bloomfield to Earl Granville.—(Received November 28.)

My Lord, *Vienna, November 23, 1870.*

THE friends of Russia in Italy appear to have been active in spreading false reports as to the policy of the Cabinet of Florence in regard to the answer to be returned to the Russian Circular, and the report has been current here, and believed by many, that Italy took a different view of the question from England and Austria.

M. Minghetti has had the goodness to assure me that his Government were fully persuaded of the vast importance of the matter at issue, and that as soon as M. Visconti Venosta should be put in possession of copies of the English and Austrian answers which had been sent to St. Petersburgh he should lose no time in despatching that of the Italian Government, which would resemble ours in all the main points, but be drawn up perhaps in a more courteous tone.

False rumours have also been spread here, as to the impression produced at Constantinople by the Russian communication, and there is little doubt that all these rumours come from the same source.

I have, &c.
(Signed) BLOOMFIELD.

No. 45.

Lord A. Loftus to Earl Granville.—(Received November 28.)

My Lord, *Berlin, November 28, 1870.*

I HAVE just seen Baron Thile, who informs me that he is without any instruction from Count Bismarck on the subject of the Russian Circular.

He is therefore unable to give any answer to the official inquiries addressed to him by the foreign Representatives here as to the opinions of the Prussian Government on that document.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 46.

*Earl Granville to Lord Lyons.**

(Extract.) *Foreign Office, November 28, 1870.*

I HAVE to state to your Excellency that I have instructed Her Majesty's Ambassador at St. Petersburgh, by messenger this evening, to inform the Russian Government, in

* Similar despatches were addressed to Sir A. Paget, Lord Bloomfield, Sir H. Elliot, Mr. Odo Russell, and Mr. Layard.

reply to the answer returned by Prince Gortchakoff to my despatch to Sir A. Buchanan of the 10th instant, that they have no objection to accept the proposal for a Conference which has been made by Prussia, upon the understanding, however, that it shall meet without any foregone conclusion in regard to its results.

No. 47.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, November* 28, 1870.

BARON BRUNNOW read to me on the 25th instant, and gave me a copy of, the inclosed despatch from Prince Gortchakoff,* in reply to my despatch to your Excellency of the 10th instant, on the subject of the denunciation by Russia of the Treaty arrangements of 1856 for the neutralization of the Black Sea.

On receiving it I stated to his Excellency that I could not make any observations on it without consulting my colleagues, but that I should be glad to ask his Excellency a question as to a matter of fact.

In the despatch it was stated that Russia would not have demanded anything better than to arrive at the result by an agreement with the Powers who signed the Treaty of 1856, but that all the attempts which had been made at different times to assemble the Powers in common deliberations, in order to avert the causes of the complications which disturb the general peace, had constantly failed. I asked Baron Brunnow whether he could tell me when Russia had made any propositions to this country for the revision of the Treaty of 1856. His Excellency answered that Russia had never done so; but that on certain occasions, when certain contingencies were discussed, he himself had stated both to Lord Malmesbury and to Lord Clarendon that if they were realized, Russia would reserve to herself the right of calling in question some of the provisions of the Treaty of 1856.

I asked whether any of the events to which he referred had come to pass? He replied in the negative. He referred also to proposals for Congresses on European matters not connected with Turkey.

I then observed that this reply was hardly an answer to my question, upon which his Excellency said that he had no authority to discuss the despatch with me; that if I wanted explanations I should address myself to your Excellency.

I observed that surely when in a despatch an appeal was made to my knowledge of a fact, I did nothing unusual in asking the Ambassador who brought me the despatch to tell me what were the facts alluded to. I added, "Have you any objection to tell me whether, during the last twelve years which you have passed in this country, there has ever been any proposition from Russia to Great Britain for the revision of the Treaty of 1856?" He answered, "No." I said, "I may quote this as your answer?". To which he answered in the affirmative, and added that if I wanted further explanations I must address myself to your Excellency.

I am, &c.
(Signed) GRANVILLE.

No. 48.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, November* 28, 1870.

THE Russian Ambassador has read and given to me a copy of a despatch of Prince Gortchakoff of the date of $\frac{8}{20}$th November.

It is not necessary for Her Majesty's Government to recur to the important question of international law raised by the Circular of Prince Gortchakoff, as they have nothing to add to the declaration on that subject which they have already made.

His Excellency has been good enough to appeal to my knowledge of facts which his Excellency states prevented that consultation and agreement with other parties to the Treaty which Russia would have preferred.

I am aware that suggestions for Congresses to settle other European questions have been made and not adopted.

It has also been stated to me that intimations have been given to some of my prede-

* No. 36.

cessors that, in the case of certain contingencies, which, however, have never occurred, such as the possession of the Principalities by Austria, Russia would feel bound to call in question some of the provisions of the Treaty of 1856. But I am ignorant of any occasion on which Russia, the party most interested, has proposed in any way to this country that a relaxation of the Treaty should be taken into consideration.

I cannot therefore admit that the Imperial Government can justify this proceeding by the failure of efforts which have never been made.

The courteous language in which Prince Gortchakoff's despatch is written, his assurance of the manner in which he would have preferred to open this question, and his declaration of the strong desire for a confirmation of good relations between the two nations, particularly important at this time, encourage Her Majesty's Government in the belief that the obstacle to such relations will be removed.

They observe that his Excellency describes the declaration which has been made by Russia as an abrogation of a theoretical principle without immediate application. If these words are to be construed into an announcement that Russia has formed and stated her own opinion of her rights, but has no intention of acting in conformity with it without due concert with the other Powers, they go far to close the controversy in which the two Governments have been engaged.

Her Majesty's Government have no objection to accept the invitation which has been made by Prussia to a Conference, upon the understanding that it is assembled without any foregone conclusion as to its results. In such case Her Majesty's Government will be glad to consider with perfect fairness, and the respect due to a great and friendly Power, any proposals which Russia may have to make.

You will read and give a copy of this despatch to Prince Gortchakoff.

I am, &c.

(Signed) GRANVILLE.

No. 49.

Earl Granville to Mr. Elliot.

My Lord, *Foreign Office, November* 28, 1870.

I HAVE to observe to your Excellency, that as Her Majesty's Government have laid it down as a condition of their assent to the assembling of a Conference in connection with the Treaty of 1856, that it should meet with no foregone conclusions, they cannot consent to propose any arrangement of a contrary character, neither can they enter into any positive engagements with the Porte. Her Majesty's Government, however, are entirely of opinion that it would be expedient to limit the deliberations of the Conference, when assembled, to the question of the neutralization of the Black Sea, and any other questions which may legitimately arise from it.

I am, &c.

(Signed) GRANVILLE.

No. 50.*

Earl Granville to Lord Bloomfield.

My Lord, *Foreign Office, November* 29, 1870.

I HAVE to request that your Excellency will convey to the Austrian Government the acknowledgments of that of Her Majesty for the co-operation which they have afforded in so prompt and cordial a manner in regard to the pending question with Russia, arising out of her denunciation of certain provisions of the Treaty of 1856.

I am, &c.

(Signed) GRANVILLE.

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* A similar despatch was addressed to Sir A. Paget.

No. 51.

Sir A. Paget to Earl Granville.—(Received November 29.)

(Extract). *Florence, November 19, 1870.*

I HAVE the honour to acknowledge the receipt yesterday morning by the messenger Seymour of a copy of your Lordship's despatch of the 10th instant to Sir Andrew Buchanan, in reply to the communication made to your Lordship by the Russian Ambassador, upon the subject of the Treaty of Paris of 1856.

I lost no time in calling upon the Italian Minister for Foreign Affairs, to whom I read your Lordship's despatch to Sir Andrew Buchanan, and placed a copy of it in his Excellency's hands.

M. Visconti Venosta, after expressing his acknowledgments for this communication, observed that the ground taken up by your Lordship appeared to him indisputable, and he expressed his intention of immediately preparing the reply of the Italian Government in an analogous sense.

Your Lordship will indeed have gathered from my despatch of the 15th instant that, if an appeal had been made to the Italian Government to consider in concert with the other Powers parties to the Treaty of 1856, whether there were reasons for introducing certain modifications into that Treaty, the Italian Government would not have been an obstacle to such deliberations, but the Italian Government completely shares the views of Her Majesty's Government as to the objectionable course now pursued by the Cabinet of St. Petersburgh, and by which it arrogates to itself the right to release itself upon its own judgment and authority from certain stipulations of that solemn Act to which all the Parties who signed it are collectively and individually bound.

No. 52.

Sir A. Paget to Earl Granville.—(Received November 29.)

My Lord, *Florence, November 24, 1870.*

THE Austrian answer to the Russian despatch was communicated to M. Visconti Venosta the day before yesterday by Baron Kubeck.

The Italian answer was to be submitted by M. Visconti Venosta to the Council of Ministers either yesterday or to-day, and will be dispatched by a messenger who leaves the Russian Legation to-morrow for St. Petersburgh.

M. Visconti Venosta has repeatedly told me, when I have alluded to the subject, that his despatch would be the same in sense as your Lordship's despatch to Sir Andrew Buchanan; but in regard to form, he should wish to hold himself free ("se réserver") as it seemed to him that it did not behove Italy to take too high a tone, and that her moderation on this occasion might possibly be useful in subsequent negotiations.

I have, &c.
(Signed) A. PAGET.

No. 53.

Sir A. Paget to Earl Granville.—(Received November 30.)

My Lord, *Florence, November 26, 1270.*

I HAVE the honour to inclose a copy of the despatch, dated the 24th instant, addressed by M. Visconti Venosta to the Italian Minister at St. Petersburgh in reply to Prince Gortchakoff's despatch of the $\frac{19th}{31st}$ October, announcing the determination of the Emperor to denounce the Special Convention with Turkey of the 30th of March, 1856, limiting the amount of naval forces to be maintained by both Powers in the Black Sea.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 53.

M. Visconti Venosta to the Marquis Bella Caracciolo.

M. le Marquis, *Florence, le 24 Novembre*, 1870.

LE Baron d'Uxküll est venue, il y a quelques jours, me donner lecture et copie d'une depêche de son Excellence le Prince Gortchakoff du $\frac{19}{31}$ Octobre, 1870. Dans cette circulaire, qui a été aussi communiquée aux autres Puissances signataires du Traité du $\frac{18}{30}$ Mars, 1856, le Chancelier de Sa Majesté l'Empereur de Russie examine les conséquences qu'ont eues pour la Russie certaines dispositions de ce Traité en présence des altérations successives qu'ont subies dans ces dernières années les transactions considérées comme le fondement de l'équilibre de l'Europe, et en présence des dérogations auxquelles le Traité du $\frac{18}{30}$ Mars n'aurait pas échappé.

Par suite de cet examen, le Cabinet de St. Pétersbourg déclare qu'il ne saurait plus longtemps se considérer comme lié aux obligations du Traité du $\frac{18}{30}$ Mars, 1856, en tant qu'elles restreignent les droits de souveraineté de la Russie dans la Mer Noire; que Sa Majesté Impériale se croit en droit et en devoir de dénoncer à Sa Majesté le Sultan la Convention Spéciale et Additionnelle au Traité fixant le nombre et la dimension des bâtiments de guerre que les deux Puissances riveraines se réservent d'entretenir dans la Mer Noire; qu'elle rend, sous ce rapport, la plénitude de ses droits à Sa Majesté le Sultan, comme elle la reprend également pour elle-même; et qu'elle en informe loyalement les Puissances signataires et garantes du Traité Général dont cette Convention fait partie intégrante.

Je me suis empressé de soumettre à Sa Majesté le Roi mon auguste Souverain et à son Conseil l'importante dépêche dont je viens de résumer les conclusions.

Les sentiments d'équité et de dignité nationale auxquels son Excellence le Prince Chancelier fait appel trouvaient toujours un écho auprès du Gouvernement de Sa Majesté le Roi d'Italie. Les relations amicales qui existent heureusement entre les deux Cours et les deux Etats nous imposaient d'ailleurs le devoir d'examiner avec la plus sérieuse attention le contenu de la dépêche du Cabinet de St. Pétersbourg.

Mais une simple lecture des Articles VII et XIV du Traité du $\frac{18}{30}$ Mars, 1856, suffit pour démontrer que l'Italie ne saurait, sans le consentiment des autres Parties intéressées, s'arroger le droit de relever la Russie des engagements qu'elle a contractés en 1856, avec toutes les Puissances signataires dont il s'agit.

Nous regrettons donc sincèrement de ne pas pouvoir entrer dans l'ordre d'idées que son Excellence le Prince Gortchakoff s'est attaché à développer. Notre regret serait encore plus vif si les changements parvenus en Orient depuis 1856, et sur lesquels le Prince appuie son argumentation, avaient été de nature à amoindrir la grande situation qui appartient à la Russie. Heureusement, il n'en est pas ainsi. Les évènements parvenus en Orient à partir de 1856 ont eu pour tendance générale d'améliorer la condition des populations Chrétiennes en Orient. C'est là un but que la politique de la Russie n'a jamais perdu de vue, et son Excellence le Chancelier de l'Empire a trop d'élévation dans les idées et un sentiment trop exprès d'équité pour ne pas le reconnaître. Je lis en effet dans la dépêche du Prince Gortchakoff au Général Ignatieff en date du $\frac{8}{20}$ Novembre, 1866, pour la reconnaissance du Prince Charles de Hohenzollern comme Prince des Principautés Unies, les paroles suivantes :—

"Le Cabinet Impérial ne peut qu'applaudir à un résultat aussi conforme aux traditions de sympathie qui unissent la Russie à ces populations coreligionnaires qu'à son constant désir de voir l'Empire Ottoman se consolider par la satisfaction des vœux et des besoins légitimes des races Chrétiennes qui l'habitent." Les modifications introduites dans le droit intérieur de la Serbie ont eu le même caractère et les mêmes effets bienfaisants. Il se peut que des dérogations partielles au principe de la clôture des Détroits pour les bâtiments de guerre aient pu avoir lieu. Mais ces exceptions n'ont eu qu'un caractère temporaire, et certes il aurait suffi d'une protestation de la Russie pour en empêcher le retour.

Nous sommes donc d'avis que l'esprit des stipulations de 1856 a survécu aux modifications partielles qu'elles ont eu à subir. Il est à desirer que les mêmes sentiments d'accord animent encore aujourd'hui les Puissances qui ont pris part à ces mémorables transactions. Aussi, arrêtons-nous de préférence notre pensée sur les déclarations formelles par lesquelles le Prince Gortchakoff finit sa dépêche. C'est avec satisfaction que nous constatons qu'il n'entre nullement dans la pensée de Sa Majesté Impériale de soulever la question d'Orient, qu'elle maintient entièrement son adhésion aux principes généraux du Traité de 1856, et qu'elle est prête à s'entendre avec les Puissances signataires de cette transaction, soit pour en confirmer les stipulations générales, soit pour les renouveler, soit pour y substituer tout autre arrangement équitable qui serait propre à assurer le repos de l'Orient et l'équilibre Européen.

Vous connaissez, M. le Marquis, les idées dont s'inspire la politique de l'Italie en Orient. Nous pensons que l'accord entre les Puissances signataires des stipulations de 1856 est la garantie la plus efficace de l'indépendance de l'Empire Ottoman. Le plus grand résultat de ces transactions est precisément d'avoir établi, au moins sur les points principaux, une conformité de vues entre tous les Etats intéressés. Un concert préalable est donc à nos yeux la condition nécessaire de tout changement à introduire, et il nous serait impossible, pour notre part, de sanctionner toute démarche qui, par son caractère unilatéral, tendrait à mettre en question la bonne entente qui a existé jusqu'ici. Nous serions heureux si l'incontestable impartialité de nos vues dans ces questions importantes et les dispositions amicales dont nous sommes animés, contribuaient à maintenir la bonne harmonie entre la Russie et les Puissances co-signataires du Traité de 1856.

Veuillez donner lecture de cette dépêche au Prince Gortchakoff et lui en laisser copie.

Veuillez, &c.

(Signé) VISCONTI VENOSTA.

(Translation.)

M. le Marquis, *Florence, November* 24, 1870.

BARON D'UXKULL came a few days since to read and give me copy of a despatch of his Excellency Prince Gortchakoff, of the $\frac{19th}{31st}$ October, 1870. In this Circular, which has also been communicated to the other Powers who signed the Treaty of the $\frac{18}{30}$th of March, 1856, the Chancellor of His Majesty the Emperor of Russia examines the consequences that certain Articles of this Treaty have entailed on Russia, in view of the successive alterations undergone of late years by the transactions, which are held to be the basis of the European balance of power, and in view of the modifications which the Treaty of the $\frac{18}{30}$th of March has not escaped.

After this examination, the Cabinet of St. Petersburgh declares that they can no longer hold themselves bound by the obligations of the Treaty of the $\frac{18}{30}$th of March, 1856, in so far as they limit the rights of sovereignty of Russia in the Black Sea; that His Imperial Majesty considers it his right and duty to give notice to the Sultan of his withdrawal from the special and additional Convention annexed to the Treaty, and fixing the number and the dimensions of the vessels of war which the two Riverain Powers reserve to themselves to maintain in the Black Sea; that in this respect he restores to the Sultan the fulness of his rights, as he resumes them equally for himself; and that he loyally informs of this the Powers who signed and guaranteed the General Treaty, of which that Convention constitutes an integral part.

I have lost no time in laying before His Majesty the King, my august Sovereign, and before his Council, the important despatch of which I have just summed up the conclusions.

The feelings of equity and national dignity to which his Excellency the Prince Chancellor addresses his appeal, have always found an echo among the members of the Government of His Majesty the King of Italy. The friendly relations happily existing between the two Courts and the two States would, besides, impose upon us the duty of examining with the most earnest attention the contents of the despatch of the Cabinet of St. Petersburgh.

But a simple perusal of the VIIth and XIVth Articles of the Treaty of the $\frac{18}{30}$th of March, 1856, is sufficient to show that Italy could not, without the consent of the other interested parties, take upon herself the right of freeing Russia from the engagements contracted by her in 1856 with all the Powers who signed the Treaty in question.

We, therefore, regret sincerely our inability to enter upon that line of thought which his Excellency Prince Gortchakoff wishes to develop. Our regret would be still greater if the changes which have occurred in the East since 1856, and upon which the Prince's arguments rest, had been of a nature to lessen the high position which is filled by Russia. Happily, such is not the case. The events which have occurred in the East since 1856, have tended generally to improve the condition of the Christian populations in the East. This improvement is an object of which the policy of Russia has never lost sight; and his Excellency the Chancellor of the Empire possesses ideas too elevated, and too nice a feeling of justice not to acknowledge this. I read, in fact, the following words in the despatch of Prince Gortchakoff to General Ignatieff, dated November $\frac{8}{20}$, 1866, in which Prince Charles of Hohenzollern is recognized as Prince of the United Principalities:—

"The Imperial Cabinet can only applaud a result as fully in harmony with the traditional sympathy which binds Russia to these people—her co-religionists—as with her desire to see the Ottoman Empire, consolidated by the satisfaction of the legitimate wishes and wants of the Christian races which inhabit it." The modifications introduced into the

internal administration of Servia have been of the same character, and had the same beneficial effects. Possibly some partial departure from the principle of the closing of the Straits to vessels of war may have occurred: but these exceptions have been only of a temporary character, and a protest by Russia would certainly have been sufficient to prevent their recurrence.

Our opinion is, therefore, that the spirit of the stipulations of 1856 has outlived the partial modifications which they have undergone It is desirable that the same sentiments of harmony should still animate the Powers which took part in those memorable transactions. We dwell, therefore, by preference on the formal declarations by which Prince Gortchakoff closes his despatch. We are glad to be assured that His Imperial Majesty entertains no thought of raising the Eastern Question, and that he fully adheres to the general principles of the Treaty of 1856, and is ready to come to an understanding with the Powers, signataries of that act, either to confirm its general provisions, or to renew them, or, finally, to replace them by any other arrangement calculated to insure the tranquillity of the East, and the European balance of power.

You are aware, M. le Marquis, of the ideas which guide the policy of Italy in the East. We look upon the agreement between the Powers, signataries of the stipulations of 1856, as the most efficient security for the independence of the Ottoman Empire. The greatest result of these transactions has been precisely to establish, at least on the main points, a conformity of views among all the interested States. A previous concert is, therefore, in our opinion, the necessary condition of any change that it may seem advisable to introduce, and for our part it would be impossible for us to sanction any step which, by its one-sided character, might tend to compromise the good understanding which has hitherto existed. We should be glad if the unquestionable impartiality of our views on these important questions, and the friendly dispositions which animate us might contribute to keep up a perfect harmony between Russia and the co-signatroy Powers to the Treaty of 1856.

You will read this despatch to Prince Gortchakoff, and leave a copy of it with him.

I have, &c.

(Signed) VISCONTI VENOSTA.

No. 54.

Count Bernstorff to Earl Granville.—(Received November 30.)

M. le Comte, *Prussia House, le 27 Novembre*, 1870.

PAR suite des pourparlers avec M. Odo Russell, M. le Comte de Bismarck a été autorisé par Sa Majesté le Roi à me charger de soumettre au Gouvernement de Sa Majesté Britannique la proposition de se déclarer prêt à désigner des Plénipotentiaires pour se réunir en Conférence à Londres avec les Représentants des Puissances signataires du Traité de Paix de Paris du 30 Mars, 1856, afin de prendre en considération les questions qui se rattachent aux ouvertures faites par le Cabinet de St. Pétersbourg dans sa Circulaire du $\frac{19}{31}$ Octobre dernier.

Agréez, &c.

(Signé) BERNSTORFF.

(Translation.)

M, le Comte, *Prussia House, November* 27, 1870.

AFTER conferring with Mr. Odo Russell, Count Bismarck has been authorized by His Majesty the King to charge me to submit to the Government of Her Britannic Majesty the proposal that they should declare themselves ready to name Plenipotentiaries to be assembled in Conference at London with the Representatives of the Powers signataries of the Treaty of Peace of Paris of March 30, 1856, in order to take into consideration the questions raised by the overtures made by the Cabinet of St. Petersburgh in its circular of the $\frac{19\text{th}}{31\text{st}}$ October last.

Accept, &c.

(Signed) BERNSTORFF.

No. 55.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, November* 30, 1870.

I HAVE received your Excellency's telegram of yesterday, recording your communication with M. de Chaudordy in which you had exchanged explanations in regard to the origin of the proposal for the assembling of a Conference to consider the course pursued by Russia with reference to the Treaty of 1856; and I have to state to your Excellency that the proposal of the Prussian Government was limited to the meeting of a Conference at St. Petersburgh, but that Prussia has subsequently agreed to the conditions laid down by Her Majesty's Government, and which have already been communicated to your Excellency.

I am, &c.
(Signed) GRANVILLE.

No. 56.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, November* 30, 1870.

WITH reference to previous correspondence I inclose, for your Excellency's information, a copy of the note from Prince Gortchakoff of the 20th instant, together with a copy of the answer which I have returned to it.*

I am, &c.
(Signed) GRANVILLE.

No. 57.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, November* 30, 1870.

THE explanations of Count Bismarck's views as regards the proposed Conference and the basis on which it is to meet, as reported in your telegrams, are perfectly satisfactory, and I shall be obliged by your so informing his Excellency on the part of Her Majesty's Government.

It is, however, most desirable to avoid any doubt as to the terms on which Russia accepts the Conference, and I have, therefore, requested you by telegraph to ascertain from Count Bismarck whether Her Majesty's Government are right in believing that Prince Gortchakoff's consent is given on the understanding that the Conference is to be unfettered by any assumption of a foregone conclusion as regards the demands of Russia.

I am, &c.
(Signed) GRANVILLE.

No. 58.

Earl Granville to Sir H. Elliot.

Sir, *Foreign Office, November* 30, 1870.

MUSURUS PASHA communicated to me to-day a telegram from Aali Pasha, dated the 29th instant, expressing his thanks for being made acquainted with my telegram to Mr. Odo Russell, which appeared satisfactory; but stating that the Porte made it a *sine quâ non* condition of its assent to a Conference that the matter to be discussed in it was strictly confined to the question raised by Russia.

Aali Pasha said that he had expressed himself to the same effect to the Prussian Minister, who had been instructed to make to him a proposal for a Conference. He added, that he proposed London as the seat of Conference, and considered that the Representatives of the different Powers already accredited there would suffice for the business.

I replied to Musurus Pasha to the same effect as I telegraphed to your Excellency on the 28th instant, namely, that as Her Majesty's Government had made it a condition that

* Nos. 36 and 48.

the Conference should meet with no foregone conclusion, we could not make any contrary proposal to Russia, or enter into any positive engagement with the Porte. Her Majesty's Government, however, entirely agreed with Aali Pasha that it would be expedient to confine the deliberations of the Conference to the neutralization of the Black Sea, and the questions arising out of it.

I am, &c.
(Signed) GRANVILLE.

No. 59.

Sir H. Elliot to Earl Granville.—(Received December 1.)

My Lord, *Therapia, November 16, 1870.*

THE Russian Chargé d'Affaires yesterday read to the Grand Vizier Prince Gortchakoff's Circular despatch, denouncing the neutralization clauses of the Treaty of 1856, but has not yet given him a copy of it.

His Highness confined himself to informing M. de Staal that the Treaty being an international act, he must not expect to receive any reply to the communication till the Porte had consulted the other Powers which had signed it.

I have, &c.
(Signed) HENRY ELLIOT.

No. 60.

Sir H. Elliot to Earl Granville.—(Received December 1.)

(Extract.) *Therapia, November 17, 1870.*

PRINCE GORTCHAKOFF'S Circular despatch announcing that the Emperor no longer considers himself bound by the arrangements of the Treaty of Paris for the neutralization of the Black Sea was yesterday officially communicated to the Grand Vizier by the Russian Chargé d'Affaires.

His Highness will take no step in the matter, and will return no answer to the communication, until he has fully ascertained the views and opinions of the other Parties to the Treaty so summarily set aside by the single act of one.

No. 61.

Sir H. Elliot to Earl Granville.—(Received December 1.)

My Lord, *Therapia, November 18, 1870.*

IT will not have escaped your Lordship's observation that in Prince Gortchakoff's Circular despatch there is a disposition to treat the neutralization of the Black Sea as if it were a matter of arrangement solely between the Emperor and the Sultan, and existing by virtue of the Separate Convention entered into by them.

In point of fact, the above Convention merely laid down the number of small ships which the two Riverain States were to maintain; but the declaration of the neutralization of the Sea, and the abandonment of the right to have naval arsenals on its coast, were an integral part of the General Treaty signed by all the Powers.

I have, &c.
(Signed) HENRY ELLIOT.

No. 62.

Sir H. Elliot to Earl Granville.—(Received December 1.)

My Lord, *Therapia, November 18, 1870.*

IN the conversation which I had with Aali Pasha yesterday he dwelt upon the extreme weakness of the arguments by which Prince Gortchakoff had endeavoured to justify the repudiation of the neutralization clauses of the Treaty of 1856.

The alleged infractions of the Treaty in regard to the Danubian Principalities had

been carried out in spite of the strongest remonstrances of the Porte, upon whom it was now sought to visit them.

It was equally startling to find the acts of courtesy by which, at certain rare intervals, the Porte had permitted ships-of-war carrying personages of high distinction to enter the Bosphorus, gravely alleged as an excuse for the denunciation of the most important clause of the whole Treaty; but it was the more strange that Prince Gortchakoff should allege this as a grievance, when it was remembered that the exceptional favour had, on more than one occasion, been granted to members of the Imperial Russian family, at the request of the Russian Ambassador.

The Russian Government would have done better to confine itself to the intimation contained in the last lines of the despatch, that the limitation of its naval forces was an arrangement to which Russia could not be expected permanently to adhere.

I have, &c.

(Signed) HENRY ELLIOT.

No. 63.

Sir H. Elliot to Earl Granville.—(*Received December* 1.)

My Lord, *Therapia, November* 20, 1870.

GENERAL IGNATIEFF returned to Constantinople late last night and called upon the Grand Vizier this morning.

I saw his Highness immediately afterwards, when he informed me that the Ambassador had spared no pains to induce him to take a favourable view of the step that had just been resorted to by his Government.

The abrogration of the neutralization clause was the removal of the only impediment to the perfect understanding and cordiality of relations between Russia and Turkey, and after it there would no longer remain an "Eastern question" to threaten the repose of the world.

The Emperor had felt that clause to be a blot upon his reign which he could not leave to his successor to wipe out, and the Porte ought to be sensible of his having abrogated it in the manner the least calculated to produce inconvenience.

His Majesty might have demanded its repeal under a menace of extreme proceedings if it was refused, but he had abstained from placing the Porte in the embarrassing position which such a proceeding would have given rise to, and had confined himself to a simple declaration that he had resumed the natural sovereign rights which, in 1856, he had consented to limit.

His honour being satisfied by this step His Majesty had, General Ignatieff said, no intention at present of proceeding further by the creation of a fleet in the Black Sea.

His language appears to have been very explicit as to there being positively no other subject connected with Turkey or with the Treaty of 1856 which Russia wished to agitate, and he expressed some surprise the Porte had not at once intimated its satisfaction at the announcement which had been made.

Aali Pasha replied that he could not admit that any justification had been made out for a proceeding showing an entire disregard for the rights of all the parties to the Treaty of Paris, and which, apart from its own importance, formed a precedent most injurious to the prospects of future harmony, which depended so largely upon the faith which could be put in international engagements.

Upon General Ignatieff protesting that it would certainly not be looked upon as a precedent by his Government, his Highness remarked that though he was, of course, glad to receive this assurance, he was not able to see how Russia could give him any security that other countries might not think themselves just as well entitled to repudiate the engagements which they had taken by the Treaty, and justify themselves by the example now set.

More than this he could not say till he had time to consult the other Powers which, equally with the Porte, were parties to the Treaty thus summarily infringed.

I have, &c.

(Signed) HENRY ELLIOT.

No. 64.

Sir H. Elliot to Earl Granville.—(Received December 1.)

My Lord, *Therapia, November 21, 1870.*

THE language of Prince Gortchakoff recorded in Sir A. Buchanan's telegram to your Lordship of the 17th instant is not of a nature to be read literally, if we would understand its true signification.

The Chancellor seems to have said that, if the Porte should resist the declaration, all the Christian populations hitherto kept quiet by the influence of Russia would avail themselves of the opportunity to rise against the Turks.

The manner in which the influence of Russia is persistently employed in the Christian Provinces is far too well known here for the threat of its withdrawal to have any terrors for the Porte; and to have any signification at all, Prince Gortchakoff's warning must be received as an intimation that the Russian influence would be used for exciting the Christian populations to rise, the risk of this being very small if they were left to themselves.

I have, &c.
(Signed) HENRY ELLIOT.

No. 65.

Sir H. Elliot to Earl Granville.—(Received December 1.)

My Lord, *Therapia, November 21, 1870.*

PRINCE GORTCHAKOFF'S Circular will have been in your Lordship's hands so long before this despatch can reach you, and will have received such careful consideration, that there is certainly no occasion for me to point out how extremely futile are the arguments by which he attempts to justify the arbitrary repudiation of an international Act.

The first of the infractions of the Treaty of 1856 which Prince Gortchakoff cites as justifying the proceedings about to be adopted is the union of the Principalities of Wallachia and Moldavia, and their being placed under a foreign Prince, which, far from being the acts of the Porte, were carried out in spite of her strenuous resistance; but it may possibly have escaped the remembrance of Her Majesty's Government that it was Count Kisseleff, the Russian Plenipotentiary at the Conference of Paris, who at the meetings of the 22nd of May and 5th of June, 1858, stated that the almost unanimous desire of the Principalities for a union under a foreign Prince was rational and legitimate, and who appealed to the Treaty of Paris itself in support of their right to have their demand taken into consideration.

I have, &c.
(Signed) HENRY ELLIOT.

No. 66.

Sir H. Elliot to Earl Granville.—(Received December 1.)

My Lord, *Therapia, November 21, 1870.*

IN Prince Gortchakoff's Circular the Emperor of Russia is stated to be ready to renew and confirm the general stipulations of the Treaty of 1856, or to substitute for it any other equitable arrangement calculated to secure the tranquillity of the East.

An effectual substitute for the neutralization of the Black Sea will certainly not be found; but if it is come to an end, some fresh security might, perhaps, be found for Turkey by a slight modification of the engagements relative to the closing of the Straits of the Bosphorus and the Dardanelles against ships of war of all nations.

The maintenance of the rule for keeping them closed is of the utmost importance, and the proposal that has sometimes been made, and which would have the cheerful acquiescence of Russia, for throwing the Black Sea entirely open, has little to recommend it, and would find no favour with Aali Pasha.

By the Treaty of Paris, as by that of 1841, the Sultan took upon himself an engagement, which all the Powers agreed to respect, to keep the Straits closed against foreign ships of war "so long as the Porte was at peace."

It appears to deserve full consideration whether, while maintaining the principle of keeping the Straits closed, some additional security might not be afforded to the Porte by allowing the Sultan to invite the fleets of his allies, when an exceptional emergency might seem to make their presence desirable.

As the Treaty now stands, provided Turkey was not actually at war, the appearance of a foreign fleet in the Bosphorus would constitute an undoubted violation of it, and the Porte can have no protection against a *coup de main* beyond what is to be found in her own resources.

If the Porte, however, were now to declare that, in consequence of the altered state of things produced by the proceedings of Russia, the Sultan, while resolved to maintain the rule for the exclusion of foreign ships of war from the Straits, held himself free "in case of emergency" to invite the fleets of his allies to enter them, and the different Parties to the Treaty were to recognize the right of the Porte under existing circumstances to make the change, a new and very important support would be afforded to Turkey, by securing her capital against a surprise.

I threw the suggestion out in the course of conversation with Aali Pasha yesterday, telling him that I was entirely unaware whether it might meet your Lordship's approval, but that it seemed at least to deserve to be taken into consideration, and that I should be glad to know what he thought about it.

His first impression seemed to be that it was not advisable to do anything to weaken the rule by which the Straits are kept closed; and if the modification were to have that effect, I agree with him in thinking that it had better not be attempted.

An objection of some weight might, perhaps, be raised to following the pernicious example that has just been set, of modifying an International Treaty by the mere declaration of one of the Powers; but the assent of the others should be secured beforehand.

I shall be glad to be informed of the opinion which Her Majesty's Government may form upon the subject; but, in the meantime, your Lordship may be satisfied that I shall not go further with the Porte than examine what may be said for and against this, or any other suggestion that is brought forward, as a means of in some degree counteracting the step that has been taken by Russia.

I have, &c.
(Signed) HENRY ELLIOT.

No. 67.

Earl Granville to Sir H. Elliot.

(Extract.) *Foreign Office, December* 1, 1870.

THE Turkish Ambassador communicated to me this morning a telegraphic despatch from Aali Pasha dated the 24th instant, of which the substance was as follows:—

It began by expressing the surprise which the Russian Circular had caused to the Porte, and while declining to discuss the arguments employed in it,—which, moreover, were in a great measure refuted by the Protocols of the Conferences held in 1858,—it proceeds to dwell on what it terms the practical question involved in it.

However deeply the Porte felt the abrogation of one of the guarantees on which its safety depended, it would, nevertheless, consider the state of affairs with calmness which would preclude the adoption of any precipitate resolutions. Russia had declared that she no longer considered herself bound by the Articles of the Treaty of Paris relating to the neutrality of the Black Sea; she did not invite the assent of the other Parties, but merely signified to them her decision.

Musurus Pasha spoke of the allusion which Prince Gortchakoff had made to the friendly intervention of Russia in calming the discontent of the Greek subjects of the Porte. His Excellency said that any intervention was contrary to the IXth Article of the Treaty of 1856, which enregisters the Firman of the Porte, and at the same time forbids any interference on the part of the other co-signataries in the internal affairs of Turkey, either collectively or separately.

He stated that since the issue of the Firman referred to, the Greeks had been placed in a much better position than they were by the Firman,—they were on an equal footing with the Mussulman subjects of the Sultan; and that any such intervention in their affairs had this manifest disadvantage, that the Greeks attributed any measure favourable to their interests, not to the benevolent wishes of their own Sovereign, but to the pressure of some foreign Power, to the great detriment of the authority of the Sultan.

No. 68.

Earl Granville to Count Bernstorff.

M. l'Ambassadeur, *Foreign Office, December* 1, 1870.

I HAVE received and laid before the Queen my Sovereign your Excellency's note of the 27th ultimo, stating that you are charged to submit to Her Majesty's Government the proposal that they should declare themselves ready to name Plenipotentiaries to meet in Conference at London with the Representatives of the Powers parties to the Treaty of Paris of 30th March, 1856, in order to take into consideration the questions connected with the overtures made by the Cabinet of St. Petersburgh, in its Circular of the $\frac{19th}{31st}$ October last.

I have the honour to inform your Excellency, in reply, that Her Majesty's Government are prepared to join in such a Conference, upon the understanding that it is assembled without any foregone conclusion as to its results; and that they will be glad to consider, with perfect fairness, in concert with other Powers, any proposals which Russia may have to make to the Conference.

I am, &c.
(Signed) GRANVILLE.

No. 69.

Earl Granville to Lord Bloomfield.

My Lord, *Foreign Office, December* 2, 1870.

I RECEIVED on the 27th instant a telegram from Her Majesty's Ambassador at Constantinople, stating that the Porte would have strong objections to a Conference unless it was understood that its discussions were to be strictly limited to the question of the neutralization of the Black Sea raised by Russia.

The Turkish Ambassador has since communicated to me a telegram from Aali Pasha, stating that the Porte made this a *sine quâ non* condition of its assent to a Conference, and that he had so informed the Prussian Minister, who had been instructed to make to him the proposal that one should meet in London.

I have replied in both cases that, as Her Majesty's Government had made it a condition that the Conference should meet with no foregone conclusion, we could not make any proposal to Russia in an opposite sense, or enter into any positive engagement with the Porte. Her Majesty's Government, however, entirely agreed with Aali Pasha, that it would be expedient to confine the deliberations of the Conference to the neutralization of the Black Sea and the questions arising out of it.

I am, &c.
(Signed) GRANVILLE.

No. 70.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 2, 1870.

I HAVE received your Excellency's telegrams of the 1st and 2nd instant, from which it appears that the Government at Tours are unwilling, without previous reference to Paris, to take upon themselves the responsibility of accepting the Conference proposed by Prussia to consider the questions arising out of the denunciation by Russia of the Convention respecting the neutralization of the Black Sea. Although the moral effect would have been increased if the Government at Tours had felt themselves in a position to give their adhesion at once to the proposed meeting, Her Majesty's Government admit that it is not unreasonable that the Government at Tours should be desirous in the first instance of coming to an understanding with the members of the Government at Paris.

I am, &c.
(Signed) GRANVILLE.

No. 71.

Lord Lyons to Earl Granville.—(Received December 3.)

My Lord, *Tours, November* 28, 1870.

I HAD this morning the honour to receive your Lordship's telegram of yesterday, and, in obedience to the instructions contained in it, I lost no time in expressing to the Comte de Chaudordy the hope of Her Majesty's Government that France would, on certain conditions, take part in a Conference for settling the questions arising out of the issue by Russia of Prince Gortchakoff's Circular of the $\frac{19th}{31st}$ October, respecting the Treaties of 1856.

Her Majesty's Government were, I said, themselves disposed to enter into a Conference for the consideration of an adequate statement of the grounds on which Russia might put forward a proposal for the revision of the Special Convention annexed to and embodied in the Treaty of Paris of 1856.

Her Majesty's Government held that it must be clearly understood that such Conference could be subject to no previous assumption as to its results, but they would of course feel themselves bound to weigh with fairness and without bias any claims which Russia might advance, and any proposals which she might make.

As to the seat of the Conference it was, I went on to say, plain that under present circumstances it could not meet either at Paris or at Berlin. There were, moreover, obvious objections to its sitting either at Constantinople or at St. Petersburgh; but Her Majesty's Government would agree to Vienna, to Florence, or to London; and if it should be thought better that it should meet in the capital of a State which was not a party to the Treaty, they would assent to the Hague, to Brussels, or to Berne.

In conclusion, I added that it was under the conditions that the Conference should be subject to no previous assumption as to its result, and that it should meet in one or other of the places named, that I was directed to propose to the French Government to take part in it.

M. de Chaudordy thanked me for the communication, and said that he would bring the matter before the Government here without any delay, and that he hoped to be able to give me their answer to-morrow.

On leaving M. de Chaudordy I despatched a telegram to your Lordship, to inform you that I had communicated to him the proposal of Her Majesty's Government.

I have, &c.

(Signed) LYONS.

No. 72.

Lord Lyons to Earl Granville.—(Received December 3.)

(Extract.) *Tours, November* 29, 1870.

WHEN I expressed to the Comte de Chaudordy yesterday the hope of Her Majesty's Government that France would take part in a Conference on the Russian question, the only information I possessed on the subject was that contained in your Lordship's telegrams.

I concluded from these telegrams that the terms on which Her Majesty's Government were disposed to enter into a Conference, and on which I was directed to ask France to do so also, having originated with Her Majesty's Government, constituted an English proposal, and I represented them in that light to M. de Chaudordy. I let him know that they were the result of Mr. Odo Russell's Mission to Versailles, and that they were accepted by Count Bismarck, but I did not dwell upon these facts.

This morning, however, I received your Lordship's telegram of the 28th instant, in which you speak of Her Majesty's Government having no objection to accept the invitation to a Conference made by Prussia. In order, therefore, to prevent all chances of a misunderstanding on the subject with the French Government, I went to M. de Chaudordy and said that, before asking him for the promised answer of the French Government to the proposal I had made to him the day before, I would tell him in rather more detail what had passed at Versailles so far as I was acquainted with it. It was (I said) true, as he already knew, that Count Bismarck had suggested to Mr. Odo Russell that a Conference should take place at St. Petersburgh. Her Majesty's Government had rejected this suggestion, and had, in reply, sent a proposal in the precise terms which I had recited to M. de Chaudordy the day before. This proposal had been

accepted by Count Bismarck, and Her Majesty's Government had directed me to lay it before the French Government. My communication, therefore, was one specially intended for France. I was not able to say in what manner the proposal had been or would be submitted to other Powers.

After thanking me for this communication, M. de Chaudordy told me that since he had seen me the day before, he had received telegrams from various quarters, which left no doubt upon his mind, that the proposal was essentially a Prussian proposal, and would be, nay, had been, so presented to Europe. He had (he said) already telegraphed to M. Tissot to ask your Lordship for explanations. The information which he had received, however, was too distinct to leave any doubt upon his mind, and he must confess that his own view of the matter was entirely changed. To a proposal emanating from Great Britain or any other neutral Power, France would have been disposed to give a ready assent: but it was a very different thing to acquiesce in a measure brought forward by an enemy, and by an enemy who was waging war in France itself with unprecedented rigour. He did not see how France could hold any proper position in a Conference thus held under Prussian auspices. At any rate, he should have been unable to give me the answer of the Government, as two members of it, M. Gambetta and M. Crémieux, had been absent with the army near Orleans, and had only just returned. He would, however, bring the matter before them in the afternoon.

I besought M. de Chaudordy not to allow his own judgment or that of the Government to be warped by the connection of Prussia with the proposal they had to consider. It appeared to me to be clear that it would be for the advantage of France that the Conference should meet and that she should be represented in it: and I should be very sorry that the Government should be guided by an exaggerated sensitiveness on what was really little more than a matter of punctilio.

M. de Chaudordy said that, if the proposal had originated with England or with any neutral, he should have felt sure that the Government would have unhesitatingly accepted it. As it was now, he could not undertake to give any opinion as to what the answer might be.

On leaving M. de Chaudordy, I went first to Prince Metternich, the Austrian Ambassador, and afterwards to the Chevalier Nigra, the Italian Minister. I found them both of opinion that it would be desirable that France should agree, at once, to take part in the Conference, and they promised to speak to M. de Chaudordy in this sense before the meeting of the Government this afternoon.

No. 73.

Sir A. Buchanan to Earl Granville.—(Received December 5.)

My Lord, *St. Petersburgh, November* 27, 1870.

PRINCE GORTCHAKOFF received yesterday a despatch from General Ignatieff, reporting that he had the honour of being granted an audience by the Sultan, at which His Majesty held to him most friendly and pacific language on the subject of the late Russian declaration, relating to the stipulations of the Treaty of 1856, establishing the neutrality of the Black Sea; and the Emperor was so much pleased with General Ignatieff's Report, that he had sent this morning for the Turkish Ambassador, in order that he might express to him in person the gratification which it had afforded him. In doing so, His Majesty desired Rustem Bey to convey his thanks to the Sultan, and to assure His Majesty that he entirely reciprocated his pacific assurances, for though he had taken an exceptional measure with a view to force on the consideration of the Powers who were parties to the Treaty of 1856, the expediency of revising the stipulations in that Act, which are offensive to Russian national feeling and the dignity of the Empire, he had no ambitious or hostile intentions towards Turkey; and so far from having anticipated a war, or made any preparations for such an eventuality, he gave him his word of honour that he had not added a soldier to the army, while, on the contrary, it was his earnest desire to cultivate cordial and peaceful relations with the Sultan.

Prince Gortchakoff held similar language to Rustem Bey, and observed, with reference to the declaration, that the Russian Government has been obliged to break the ice, but had no intention of taking more serious measures ("nous avons été obligé," he said, "de rompre la glace, mais nous n'avions pas l'intention de casser les vitres").

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 74.

Sir A. Buchanan to Earl Granville.—(Received December 5.)

(Extract.) *St. Petersburgh, November* 30, 1870.

AT an interview with Prince Gortchakoff, yesterday, I read to his Excellency that part of your Lordship's despatch of the 12th instant in which you acquaint me with the substance of a conversation which you had with Baron Brunnow respecting the answer of Her Majesty's Government to the despatch of Prince Gortchakoff, communicated to them on the 9th instant, and in which his Excellency stated that the answer was so different from what he expected, he could only maintain the reserve you had expressed on his communicating to you the despatches to which it was a reply.

Prince Gortchakoff then repeated the arguments which he had previously expressed to me in defence of the step taken by the Russian Government, and I again reiterated my deep regret at the unnecessary cause which had been given for feelings of resentment on the part of the people of England towards the Government of Russia. I said that a principal article of my political faith was that not only good relations, but also entire confidence in each other, should exist between the Governments of England and Russia, as so many important interests in Europe, but more particularly in Asia, depend upon the reliance which they can place upon their mutual assurances.

I said that it had been my earnest endeavour, since my arrival in Russia, to promote this mutual confidence, and I now greatly deplored that its foundations had been so seriously impaired by the late Russian declaration. His Excellency answered, that he was as desirous as I could be that a cordial understanding should exist between England and Russia, but that in the present instance he had been forced to the wall by all previous attempts to open the question of the Black Sea having failed, and he had been obliged to adopt the measure of which I complained, in order to bring the question before the consideration of the other Powers. I said I could not admit this necessity.

No. 75.

Sir A. Buchanan to Earl Granville.—(Received December 5.)

My Lord, *St. Petersburgh, November* 30, 1870.

AT an interview yesterday with Prince Gortchakoff, I mentioned to his Excellency that your Lordship had informed Count Bismarck that you had no objection to take part in a Conference for considering any proposal that Russia may put forward for the revision of the Special Convention respecting the neutralization of the Black Sea, which is annexed to the Treaty of 1856.

I read at the same time to his Excellency, from a Memorandum of the substance of your telegram of the 27th instant, that Her Majesty's Government had informed Count Bismarck that though they would feel themselves bound to weigh with fairness, and without bias, any claims which Russia might advance, and proposals which she might make, the proposed Conference must be subject to no assumption as to its result.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 76.

Mr. Odo Russell to Earl Granville.—(Received December 5.)

(Extract.) *Versailles, November* 22, 1870.

COUNT BISMARCK received me yesterday at 1 o'clock for the purpose of discussing the correspondence inclosed in your Lordship's despatch to me of the 12th instant, and the result of a three hours' conversation was that his Excellency authorized me to assure your Lordship—

1. That the Russian Circular of the 19th October had taken him by surprise;

2. That while he had always held that the Treaty of 1856 pressed with undue severity on Russia, he entirely disapproved of the manner adopted and the time selected by the Russian Government to force on a revision of that Treaty;

3. That he regretted that he could neither interfere, nor even answer the Russian Circular officially at present in consequence of the war; but that—

4. Anxious as he was to prevent the outbreak of another war, he would strongly recommend Conferences at Constantinople before hostilities.

Having telegraphed these first results to your Lordship, I waited again, with Count Bismarck's permission, at 10 o'clock P.M., last night, on his Excellency.

Our second conversation lasted till past midnight, and the Chancellor, who had meanwhile communicated telegraphically with the Prussian Minister at St. Petersburgh, authorized me to telegraph to London that if your Lordship consented he would willingly take the initiative of proposing a Conference for the purpose of endeavouring to find a pacific solution to a question which I had frankly proved to him was of a nature in its present state to compel us, with or without allies, to go to war with Russia.

Count Bismarck, who had ascertained Prince Gortchakoff's readiness to receive the Representatives of the co-signatory Powers, was in favour of holding the Conference at St. Petersburgh, as the presence of the Emperor to give immediate sanction to the decisions of his Representatives might be conducive to a more rapid and satisfactory settlement of the question than could be the case at Constantinople, from whence a reference to St. Petersburgh must necessarily involve a loss of many days.

The Chancellor begged your Lordship would have the goodness, if you agreed, to communicate with and invite the co-operation of the French Government.

As Count Bismarck, who was pleased to receive me with the utmost cordiality, desires to write himself to your Lordship through Count Bernstorff, I refrain respectfully from a more elaborate report of our conversations for the present.

No. 77.

Mr. Odo Russell to Earl Granville.—(Received December 5.)

My Lord, *Versailles, November 26, 1870.*

I HAVE received and communicated the substance of your Lordship's telegrams to the Chancellor of the North German Confederation. I told his Excellency that Her Majesty's Government were glad to learn that Prussia had received with surprise a communication which had made so painful an impression on them; that Her Majesty's Government recognized, with pleasure, the desire which his Excellency had shown to bring the differences between Russia and the co-signataries of the Treaty of 1856 to a satisfactory issue, and that, speaking for themselves, Her Majesty's Government had no objection to enter into a Conference for the consideration of an adequate statement of the grounds on which Russia may put forward a proposal for the revision of the Special Convention annexed to and embodied in the Treaty of 1856. I said that it must, of course, be understood that such a Conference could be subject to no previous assumption as to its results; but that on the other hand, Her Majesty's Government would feel themselves bound to weigh with fairness and without bias any claims which Russia might advance, and any proposals which she might make.

Her Majesty's Government thought there were obvious objections to the Conference meeting at Constantinople or St. Petersburgh, and although similar reasons did not apply to Berlin, yet if the war unhappily continued, France could not send a Representative there.

Count Bismarck replied that he accepted your Lordship's basis of negotiation, and that he was in favour of holding the Conference in London; Prince Gortchakoff having told the Prussian Minister at St. Petersburgh that he was willing to do so to prove the honesty of his policy and satisfy the national feeling of England.

I said that London, Vienna, Florence, The Hague, Brussels, or Berne were equally acceptable to Her Majesty's Government; but that, in deference to his Excellency's opinion, I would telegraph to the Foreign Office that he accepted London and your Lordship's basis of negotiation for the Conference.

I have, &c.

(Signed) ODO RUSSELL.

No 78.

Mr. Odo Russell to Earl Granville.—(Received December 5.)

My Lord, *Versailles, November 27, 1870.*

ON receiving this morning your Lordship's telegram of 11·15 P.M. last night, I wrote a private note to the Chancellor of the North German Confederation, and called later in the day on his Excellency to say that the telegram from the Prussian Minister at St. Petersburgh, communicated to your Lordship by Count Bernstorff, appeared to propose that Her Majesty's Government should enter a Conference with assumed admission of Prince Gortchakoff's declaration; but that your Lordship had explained to Count Bernstorff that Her Majesty's Government could only consent to be parties to a Conference with the clear and distinct understanding that the Conference is subject to no previous assumption as to its results, as I had stated yesterday to his Excellency.

Count Bismarck at once sent for all the telegrams he had received from St. Petersburgh and London, and read them over to me; but there was not a single word in them to confirm the impression derived from Count Bernstorff's communication to your Lordship.

In consequence, the Chancellor begged I would telegraph to your Lordship that, in his opinion, a Conference without a distinct and clear understanding that it is subject to no previous assumption as to its results, would defeat its own object, and therefore be useless; and that he could no more consent to be a party to it than your Lordship.

I have, &c.

(Signed) ODO RUSSELL.

No. 79.

Lord Lyons to Earl Granville.— (Received December 5.)

(Extract.) *Tours, December 1, 1870.*

MY telegrams of to-day and yesterday will have made your Lordship acquainted with the results of the conversations which I have had in the course of these two days with the Comte de Chaudordy respecting the proposed Conference on the Russian question. These conversations have been so numerous and have necessarily involved so much repetition that I do not purpose attempting to give your Lordship a report of each separately. I will simply, with a view to placing clearly before your Lordship the position taken up by the French Government, give you a general sketch of what has been said.

Yesterday morning M. de Chaudordy delivered to me verbally the following official answer to the proposal of Her Majesty's Government that France should take part in the Conference. The Government Delegation at Tours, he said, consider that the Prussian origin of the Conference places France in so embarrassing a position that they can come to no decision without referring to the Government at Paris.

To this statement M. de Chaudordy has adhered as the official answer of the Government, adding that it is not to be taken as a refusal, and that the question will be treated by France with the utmost moderation. He has, however, on several occasions discussed the matter, more or less officially with me, at considerable length.

He has been at great pains to make it appear that the whole affair is entirely Prussian, and has in particular dwelt on the fact that the idea of a Conference was originally suggested by Prussia, and that the invitation to France was conveyed by England at the request of Prussia. He has also maintained that the invitations to the Conference were given to the other Powers by Prussia herself. The conclusion he has drawn from these assertions has been, that France cannot with dignity take part in a Conference summoned by her enemy; that she could play only an inferior and degrading part in such a Conference, and would contribute to establish the preponderance in Europe which Prussia already, according to him, appears to assert.

In answer to this, I have frankly admitted that the part played by Prussia in bringing the Conference about might be held to be of importance enough to afford France a pretext for hesitating to join the Conference, if she desired to find a pretext for hesitation. I have, however, pointed out that it is a great exaggeration of the real facts of the case to call the proposal, in the shape in which it stands, an entirely Prussian proposal. It is, I have said, on the contrary, in fact much more an English proposal. I have reminded M. de Chaudordy that it was from me that he received the first

information of the Russian Circular, and that, in pursuance of your Lordship's instructions, I showed him the Circular, gave him a sketch of the answer your Lordship proposed to make to it, and informed him of the intention to send Mr. Odo Russell to Versailles to discuss the matter with the Prussian authorities there. In answer to this communication the French Chargé d'Affaires in London was instructed to inform your Lordship that under existing circumstances the French Government at Tours considered it to be more natural that England and the other Powers who signed the Treaty of 1856 should first examine the Russian declaration and thereupon make known their views to the French Government, who would then be ready to consider in common the duties imposed upon them by this new state of affairs. Her Majesty's Government obtained from their communication with the Government of Prussia, grounds for hoping that a Conference might be held, in which such an examination in common as had been suggested by France might take place, with a good prospect of leading to an amicable solution of the dangerous question raised by the Russian Circular. They thereupon made the French Government acquainted with what had occurred, and expressed a hope that France would take part in the proposed Conference. So far, therefore, it would seem that all possible respect had been shown to the Government of France. But the French Government complains that the Conference is essentially a Prussian Conference. It is quite true that the idea of holding a Conference was suggested to Her Majesty's Government by Prussia, and that the Prussian Government proposed that if the idea was approved, Her Majesty's Government should undertake to communicate it to France. But what Prussia proposed was a Conference to be held at St. Petersburgh, without any special conditions. This proposal Her Majesty's Government rejected, and made a proposal of their own, in which it was expressly stated that the Conference was not to be held at St. Petersburgh, and in which certain preliminary conditions were laid down as indispensable. It is not to the Prussian proposal, but to this English proposal that the French Government is asked to consent.

I have more than once given M. de Chaudordy the history of the transaction in nearly the foregoing terms. On my repeating it this morning he hinted that from information which had reached him, it would appear that the actual proposal made had really been drawn up at Versailles. I replied that any such information which had reached him was not only incorrect but absolutely false; that the proposal was drawn up in London, was telegraphed to Versailles in the exact words which it was afterwards communicated by me to M. de Chaudordy, and was accepted by the Prussian Government without any alteration, precisely as it had been sent from London. On the same occasion M. de Chaudordy dwelt with particular stress on the mode in which the invitations to the Conference had, as he affirmed, proceeded exclusively from Prussia. I thereupon showed him your Lordship's telegram of the 27th November to Her Majesty's Representatives at Vienna, St. Petersburgh, Florence, Constantinople, and Berlin, and called his attention to the statement that while Count Bismarck was to telegraph the proposal to St. Petersburgh and Florence, your Lordship had undertaken to make it known to the Austrian and French Governments with a view to their concurrence, and that you would do so likewise to the Porte.

M. de Chaudordy, notwithstanding my remonstrances, has appeared all along to rest the refusal of the Government Delegation here to come to an immediate decision solely on the Prussian origin of the proposed Conference. He has declared that if any neutral Power had invited France to the Conference, he should have felt at liberty to accept the invitation at once without referring to Paris.

I have pointed out that as matters now stand, the question for France to consider, is simply whether it is for the dignity or the interest of France to stand aloof from the settlement of the question. To me personally, I have added, it seems that the assembly of a Conference of the principal Powers of Europe, in which the French Government should be adequately represented, would at this moment be particularly advantageous for France; and my own advice to the French Government would certainly be to do all in its power to accelerate the meeting of the Conference, and in particular to signify its own assent unhesitatingly and immediately.

My final conversation with M. de Chaudordy took place this morning. He maintained that setting all other arguments aside, the Delegation here really could not, as matters stood, come to a decision without referring to the Government at Paris. This had been found necessary with regard to the armistice, and it was equally so with regard to the Conference. He would, however, undertake to state the case calmly and fairly to M. Jules Favre.

I observed that in the case of the armistice, M. de Chaudordy had sent the proposal of Her Majesty's Government to Paris with a decided expression of the approval of the

Delegation here. I could not, I said, but still hope that in forwarding the proposal for a Conference, the Delegation would also give its own support to it. At all events, I would beg M. de Chaudordy to bring the arguments which had been used by me and my colleagues to the notice both of the Delegation at Tours and the Government at Paris, and to call the attention of both to our strong opinion in favour of the immediate acceptance by France of the proposal. This M. de Chaudordy promised to do.

Thus the affair remains at present.

Both the Austrian Ambassador, Prince Metternich, and the Italian Minister the Chevalier Nigra, have strongly advised the French authorities to agree to the Conference without delay. At two of my interviews with M. de Chaudordy, M. Nigra was present for a great part of the time, and he pointed out emphatically, and with remarkable ability, the advantage it would be to France to assent at once to the Conference.

No. 80.

Lord Lyons to Earl Granville.—(Received December 5.)

My Lord, *Tours, December 2, 1870.*

THE Comte de Chaudordy has this morning authorized me to inform your Lordship that the Delegation here has forwarded to the Government at Paris the proposal of Her Majesty's Government for a Conference, and in so doing has given its own support to the proposal.

I have accordingly despatched to your Lordship a telegram to the above effect.

M. de Chaudordy observed that thus the Delegation had followed precisely the same course which it had taken when Her Majesty's Government had proposed the armistice; and he trusted that your Lordship would appreciate the desire which had been shown to satisfy England and accept her counsels. It was impossible, he said, to refrain from recording the painful impression which had been made by the prominent part which Prussia had been allowed to take; but regard for England and other friendly Powers had prevailed over this feeling, and the Delegation had, accordingly, forwarded the proposal to Paris "en l'appuyant."

I have, &c.
(Signed) LYONS.

No. 81.

*Earl Granville to Lord Lyons.**

My Lord, *Foreign Office, December 5, 1870.*

I INCLOSE a copy of a despatch from Prince Gortchakoff in reply to my despatch to Sir Andrew Buchanan of the 10th ultimo, and also a copy of a despatch of the 28th ultimo, which I have addressed to Sir Andrew Buchanan in reply.†

You will communicate a copy of my despatch to the Government to which you are accredited.

I am, &c.
(Signed) GRANVILLE.

No. 82.

Mr. Odo Russell to Earl Granville.—(Received December 6.)

My Lord, *Versailles, 6, Place Hoche, December 1, 1870.*

IN reply to your Lordship's question, Count Bismarck said that a Conference without a clear understanding that it was subject to no previous assumption as to its results would defeat its own object and be useless, as reported in my despatch of the 27th of November; and his Excellency repeated that, according to the telegrams he had received from St. Petersburgh, Russia accepted the invitation to London on the distinct understanding that the Conference was to meet without any assumption whatever of a foregone conclusion.

* Similar despatches were addressed to Sir A. Paget, Sir H. Elliot, Mr. Layard, and Mr. Odo Russell.

† Nos. 36 and 48.

Without that previous understanding or condition the Conference would have had no object or meaning; and I need scarcely assure your Lordship again that I never lost sight of its paramount importance. In the several conversations we have had on the subject the Chancellor of the North German Confederation has never denied my proposition that the withdrawal of the Russian Circular was the first condition to a Conference on the Treaty of 1856, otherwise, I should not have submitted his Excellency's proposal to your Lordship.

Count Bismarck informed me that, in accepting his invitation to a Conference, the Russian Government expressed their readiness to discuss every part of the Treaty of 1856, whilst the Turkish Government wished to limit the discussion to the Separate Convention and to the Articles of the Treaty respecting the Black Sea.

The Italian Government accepted on the same basis as Her Majesty's Government; but the Austrian Government hesitated to accept before the objects and limits of discussion had been previously settled. His Excellency observed that, since the basis already laid down was that no previous assumption should influence the results of the Conference, the Austrian Government would do better to bring forward their wishes in the preliminary sittings at London.

Count Bismarck added that the co-signatory Powers, having accepted his invitation in principle, he would now beg of your Lordship to fix the day for the first meeting of the Conference, and all other details, at your Lordship's own convenience.

I have, &c.
(Signed) ODO RUSSELL.

No. 83.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 6, 1870.

M. TISSOT, in an interview that I had with him to-day, informed me that, in consequence of the desire expressed by your Excellency, and out of regard for England and the English Government, whose pressure upon him he had reported to it, the Provisional Government had forwarded to the Government in Paris, with an opinion in its favour, the proposal that France should take part in a Conference on the question raised by Russia respecting the neutralization of the Black Sea.

I am, &c.
(Signed) GRANVILLE.

No. 84.

Sir H. Elliot to Earl Granville.—(Received December 7.)

My Lord, *Therapia, November* 24, 1870.

TWO small Russian men-of-war passed about a week ago from the Black Sea into the Mediterranean, after remaining off Constantinople some days. I learnt upon inquiry that they were both training corvettes for cadets, and within the dimensions laid down in the Convention of March 30, 1856.

I have, &c.
(Signed) HENRY ELLIOT.

No. 85.

Earl Granville to Mr. Odo Russell.

(Extract.) *Foreign Office, December* 7, 1870.

HER Majesty's Government have learned with much pleasure, from your despatch of the 1st instant, that Count Bismarck's views so closely coincide with their own as to the importance of the Conference, proposed by his Excellency, meeting without any foregone conclusion on the subjects to be discussed, and they are glad to find that it is on this understanding that the proposal has been accepted by Russia. I am now only awaiting a definitive reply from the French Government before sending formal invitations to the several Powers to authorize their Representatives in London to meet in Conference.

No. 86.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, December* 7, 1870.

I TRANSMIT, for your Excellency's information, the accompanying copy of a despatch from Sir Henry Elliot,* reporting the passage from the Black Sea into the Mediterranean of two small Russian men-of-war.

I am, &c.
(Signed) GRANVILLE.

No. 87.

Earl Granville to Lord Bloomfield.

My Lord, *Foreign Office, December* 7, 1870.

COUNT APPONYI tells me that he has received a telegram from Count Beust, expressing the opinion that it would be highly expedient that England, Austria, Italy, and Turkey should, before entering into Conference, come to an understanding on the basis to be adopted for its deliberations.

For this object, Count Beust suggests discussions between the Representatives of the Powers named at Constantinople, as being the spot where Eastern affairs are best known and studied by European Diplomatists, and as offering facilities for concerting measures with the Porte, which has the most direct interest in the questions at issue.

Count Beust says he can count upon the concurrence of Italy, from whom the suggestion first came, and his Excellency is most anxious for the approval and co-operation of Her Majesty's Government.

As regards the question of admitting second Plenipotentiaries to the Conference, Count Beust saw no inconvenience in such a proceeding, but thought it might be discussed later.

I told Count Apponyi that, at first sight, my individual opinion was against the proposed negotiation between four of the Powers at Constantinople. It would be inconsistent, in some degree, with what I had said to Connt Bismarck as to the objections to St. Petersburgh and Constantinople for the treatment of this affair.

It would at once constitute two parties in the Conference.

It could not be otherwise than offensive to Prussia, who, although friendly to Russia, has already contributed, and may still further contribute, to the satisfactory settlement of the matter.

In my opinion we ought to go into Conference free from any positive engagement; which would not, however, preclude a general agreement as to the objects which we should keep steadily in view.

I said I should be glad to know confidentially Count Beust's views as to the manner in which it should appear recorded in the Protocols of the Conference that Russia has given up the assumption of being able to release herself from Treaty obligations, diplomatically, by her own free will.

It was open to us to decide in Conference that we adhered to the present Convention, or that we abandoned it altogether, or that we should make some modifications in it, or, again, that we should find an equivalent or equivalents for the concession we made.

I should be glad to know Count Beust's opinions on these points, more particularly as to equivalents which might justly be demanded of Russia, and which might, with reason, be considered acceptable to the Porte.

I am, &c.
(Signed) GRANVILLE.

No. 88.

Lord Lyons to Earl Granville.—(Received December 8.)

My Lord, *Tours, December* 6, 1870.

I HAD this morning the honour to receive your Lordship's telegram of yesterday, and in pursuance of the instruction contained in it, I have communicated verbally to the

* No. 84.

Comte de Chandordy the substance of your reply to the Russian answer to your despatch to Sir Andrew Buchanan of the 10th instant respecting the Treaties of 1856.

I have, &c.
(Signed) LYONS.

No. 89.

Prince Gortchakoff to Baron Brunnow.—(Communicated to Earl Granville by Baron Brunnow, December 8.)

(Télégraphique.) *St. Pétersbourg, le 7 Décembre, 1870.*

BUCHANAN m'a lu télégramme d'Odo Russell reçu par Granville 1 Décembre, d'après lequel formule de convocation de Conférence proposée par Bismarck est qu'elle se réunira "without assumption of any foregone conclusion." C'est ainsi que nous l'entendons. Chacun y apportera sa libre appréciation. Votre courrier pas encore arrivé.

(Translation.)

(Telegraphic.) *St. Petersburgh, December* 7, 1870.

SIR A. BUCHANAN has read to me the telegram from Mr. Odo Russell received by Lord Granville on the 1st December, according to which the formula for the convocation of the Conference proposed by Count Bismarck is, that it shall meet "without the assumption of any foregone conclusion." This is also our view. Each one will bring to the Conference his own unfettered opinion.

Your courier not yet arrived.

No. 90.

Earl Granville to Sir H. Elliot.

Sir, *Foreign Office, December* 8, 1870.

THE Turkish Ambassador communicated to me to-day a telegram from Aali Pasha dated yesterday, and stating that the consent of the Porte to a Conference depended on a previous understanding that its deliberations should be strictly limited to the single point in question, and that it should be clearly precluded from entering upon any other portions of the Treaty of 1856, unless, indeed, with a view to confirm them in their entirety, or any other matters relating to the Turkish Empire.

I repeated to Musurus Pasha what I had said to him on the 29th ultimo, as I informed your Excellency in my despatch of the 30th ultimo, that as Her Majesty's Government had made it a condition that the Conference should meet with no foregone conclusion, they could not make any contrary proposal to Russia, or enter into any positive engagement with the Porte, although they entirely agreed with Aali Pasha that it would be expedient to confine the deliberations of the Conference to the neutralization of the Black Sea and the questions arising out of it.

I then asked Musurus Pasha whether the telegram which he had just communicated to me meant anything but a declaration that the Porte was willing to enter the Conference as soon as it was summoned, but that if other questions concerning the Turkish Empire, besides that which it had specified were raised, he, as Turkish Plenipotentiary, would be forbidden to participate in anything which was in contradiction to what had been stated by the Porte. His Excellency replied that such was the case.

I am, &c.
(Signed) GRANVILLE.

No. 91.

Sir H. Elliot to Earl Granville.—(Received December 9.)

(Extract.) *Therapia, November* 26, 1870.

I HAVE already informed your Lordship by telegraph that the Porte would, in my opinion, be prepared to go any length that might be recommended by Her Majesty's Government in resisting the Russian pretensions; but that, as they do not believe it

possible to prevent by force the realization of the Russian desire for putting an end to the neutralization of the Black Sea, they do not think it desirable to assume a very energetic attitude solely on account of the manner in which the project has been carried out.

I informed your Lordship at the same time that I had no doubt that the Turkish Government would consent to recognize the cessation of the neutralization if a formal acknowledgement could be obtained that, with this exception, the rest of the Treaty remained in full force.

The considerations which are guiding the Turkish Government are intelligible and obvious.

The importance which they attach to the neutralization of the Black Sea has been made known to your Lordship by previous despatches, and, as I have already stated, the Porte would be prepared to make great efforts and large sacrifices for the maintenance of the material security which they believe it to afford them.

Upon being made acquainted with the step taken by Russia, their first consideration was whether it was advisable to resort to extremities with a view to enforcing the continuance of the neutralization; and even then it was questioned whether it might not possibly be better that it should be abandoned at once rather than kept hanging over them, to be joined, perhaps, to still further demands on a future occasion.

But any hesitation which may have existed in the first instance in the minds of the Turkish Government seemed at once to disappear when they became aware that the principle of the neutralization clauses, to which they clung, had long been condemned by all their allies excepting Great Britain.

They saw that if a stand were to be made it would no longer be for the maintenance of a point closely affecting their interests, but rather as a protest against a mode of proceeding offensive in itself, and calculated to destroy the faith in international engagements upon which the tranquillity of Europe so largely depends; and the Porte, as far as I can judge, is not of opinion that the ultimate interests of the Ottoman Empire would be advanced by an appeal to extreme measures upon this ground.

From these considerations, therefore, and from an anxious desire that the question may be brought to a conclusion without their adversaries having an opportunity of raising others, if a formal reaffirmation or recognition of the rest of the Treaty were agreed to by all the Parties to it, I have little doubt that the Porte, while recording a solemn protest against the course that has been followed by Russia, would consent to recognize the repeal of the neutralization clauses.

No. 92.

Sir H. Elliot to Earl Granville.—(*Received December* 9.)

(Extract.) *Therapia, November* 26, 1870.

YOUR Lordship's telegram of the 24th, containing Sir A. Buchanan's report of the substance of Prince Gortchakoff's reply to your Lordship's despatch, reached me late last night.

I saw the Grand Vizier this morning, and communicated to him its contents, which seemed, on the whole, to make a not unfavourable impression upon him. He did not fail to remark the evidence it contained of the contrast between the steadiness with which Her Majesty's Government had adhered to the principles of the Treaty, and the readiness which had been shown in other quarters to abandon them.

With reference to the question of a Conference, upon which I was desirous of ascertaining his opinion, I found, as I had the honour to inform your Lordship by telegraph, that His Highness would be as much as ever opposed to it, unless such precautions could be taken as would insure no other question being touched upon than that of the neutralization of the Black Sea, which has been raised by Russia.

Notwithstanding the Grand Vizier's dislike to a Conference, he admits that one may be necessary to regularize what has been unsettled by the Russian declaration; but he considers all that is required is that the Powers should record, in a Protocol, that the time has arrived when it has become desirable to restore to the two Riverain States of the Black Sea the full sovereign rights which they had consented to limit by the Treaty of 1856.

The Powers should, likewise, record their full determination to abide faithfully by all the other stipulations of the Treaty; but the Porte would greatly deprecate any attempt to go further than this.

No. 93.

Sir H. Elliot to Earl Granville.—(Received December 9.)

(Extract.) *Therapia, November 27, 1870.*

I INFORMED your Lordship by telegraph of the Russian Ambassador having shown documents from which it appeared that as far back as 1859 the Austrian French, and Prussian Governments were encouraging Russia to find a means of escaping from the stipulations of the Treaty of Paris.

In speaking to me upon this subject, General Ignatieff said that the Italian Government had also repeatedly urged the expediency of obtaining the modification of the Treaty; and it must be confessed that the despatches to which he pointed in confirmation of the correctness of his assertions lead too clearly to the conclusion that within three years from the date of the signature of the Treaty the whole of the Parties to it, with the single exception of Her Majesty's Government, had exhibited to the Russian Government a readiness to sacrifice one of the principles which had been deemed most essential to the security of Turkey, and to allow it to be supposed that the exaggerated distrust persisted in by Great Britain was the sole obstacle in the way of the accomplishment of the legitimate wishes of Russia.

The only encouragement alleged as having been received from Her Majesty's Government consists in a remark which General Ignatieff states himself to have heard fall from Lord Palmerston, that the conditions of the Treaty were so hard upon Russia as to render it improbable that it could last ten years; and in some similar but "more cautious" observations of Earl Russell.

It is unnecessary for me to comment upon documents of which I have had only a partial and cursory glance; but your Lordship will not be surprised to learn that their immediate effect upon Aali Pasha was to make him feel that the clauses of the Treaty now repudiated by Russia, having been condemned by so many Governments, not only as objectionable in themselves and calculated to prevent a good understanding between Turkey and Russia, but as being of a nature not to be submitted to by any great Power, the continued maintenance of the principle of the neutralization had become hopeless.

No. 94.

Sir H. Elliot to Earl Granville.—(Received December 9.)

My Lord, *Therapia, November 27, 1870.*

I INQUIRED yesterday of Aali Pasha whether he had heard a report that the Russian Government had purchased or were about to purchase in America a number of iron-clads to form the nucleus of a Black Sea squadron.

His Highness said he had heard the report, but attached no credit whatever to it.

The assurances he had received of the determination of Russia to respect the agreement under which the Straits are closed against men-of-war are so explicit as to relieve him from all apprehension on that head.

I have, &c.
(Signed) HENRY ELLIOT.

No. 95.

Sir H. Elliot to Earl Granville.—(Received December 9.)

(Extract.) *Therapia, November 28, 1870.*

IF the present discussion is to end in the recognition of the abolition of the neutrality of the Black Sea, the Porte does not believe that there is anything to be gained by carrying it on in a manner to produce unnecessary irritation.

No. 96.

Sir H. Elliot to Earl Granville.—(*Received December* 9.)

(Extract.) *Therapia, November* 28, 1870.

SIR ANDREW BUCHANAN, in his telegram to your Lordship of the 23rd, states that Prince Gortchakoff, in replying to your Lordship's despatch, abstains from discussing the question of strict right as regards the late proceeding of Russia.

General Ignatieff follows precisely the same course here, and confines himself almost entirely to pointing out how impossible it was for a Power like Russia to continue indefinitely to be bound by restrictions upon its natural sovereign rights, and he dwells upon the instances in which the Treaty of 1856 had been infringed by the passage of ships of war into the Dardanelles, and then into the Black Sea.

He states that Turkish troops have been sent to Varna in Government transports; but these can scarcely be regarded as men-of-war in the ordinary acceptation of the term, and he dwells much upon the small squadron which escorted the Emperor of Austria last year from Varna.

That this last was not strictly in accordance with the letter of the Treaty must in fairness be conceded; but there was certainly nothing hostile in the appearance of the ships in those waters which should be regarded as a violation of its spirit.

I had deprecated the exceptional permissions which the Turkish Government had, as an act of courtesy, occasionally given for the passage of the Straits by ships of war conveying Royal or distinguished visitors.

Your Lordship will remember that when Her Majesty's Government directed me to apply for permission for the entrance of Her Majesty's ship "Ariadne," which was fitted as a yacht for their Royal Highnesses the Prince and Princess of Wales, they scrupulously instructed me at the same time to inform the Porte that, in order to prevent there being any infraction of the rule, the whole of the ship's guns had been left at Malta.

It certainly is to be regretted that this example was not universally followed, and that other Governments, by being less scrupulous, and causing armed ships of war to accompany their Sovereigns and Princes, should have afforded grounds for the present pretensions of Russia.

But, although an undesirable irregularity, the proceeding cannot with any propriety be cited as a serious derogation of the principle upon which the rule for the closing of the Straits was based.

A heavy Russian frigate has, moreover, upon two different occasions been permitted to enter the Black Sea, on the plea of the Grand Duke Alexis being desirous of embarking at Odessa; and the application for the permission having been made by the Russian Ambassador, we have a right to assume that he would not deliberately have put the Porte in the dilemma of having either to appear discourteous by refusing, or of violating the Treaty by acceding to his request.

No. 97.

Lord Bloomfield to Earl Granville.—(*Received December* 9.)

My Lord, *Vienna, November* 29, 1870.

YOUR Lordship's telegram of yesterday reached me too late to be able to communicate it to Count Beust before his return to Pesth. I called to-day at the Imperial Chancery of State and stated to Baron Aldenburg, who receives and transmits to Count Beust any information that may be brought to the office, the substance of the intelligence you had sent me.

Baron Aldenburg said that he was not aware of any telegram of the import of the one I had received having arrived from Count Apponyi, and that he should at once transmit to Pesth the intelligence that Her Majesty's Government had undertaken to make known to the Imperial Government the selection of London as the place where the Conference should be held, as well as the basis of the negotiations which had been proposed by Her Majesty's Government and accepted by Count Bismarck with a view to revising the special Convention annexed to the General Treaty of 1856, respecting the neutralization of the Black Sea.

I have, &c.
(Signed) BLOOMFIELD.

No. 98.

Lord Bloomfield to Earl Granville.—(Received December 9.)

My Lord, *Vienna, November 30, 1870.*

IN execution of the instructions contained in your Lordship's telegram of yesterday I have expressed to Baron Aldenburg, for transmission to Count Beust at Pesth, the acknowledgments of Her Majesty's Government for the prompt and cordial co-operation of the Imperial and Royal Government of Austria-Hungary in the present question with Russia.

Baron Aldenburg mentioned to me, on receiving the communication, that he had just heard from Count Beust that he was fully prepared to assimilate the course of the Imperial Government to that which would be adopted by Her Majesty's Government.

I have, &c.

(Signed) BLOOMFIELD.

No. 99.

Lord Bloomfield to Earl Granville.—(Received December 9.)

(Extract.) *Vienna, December 1, 1870.*

I HAVE the honour to inclose herewith a list, furnished by the Austrian Admiralty, of the vessels which escorted the Emperor Francis Joseph in October 1869 from Varna to Constantinople, and your Lordship will observe that none of them can be called armed vessels of war. The screw corvette "Heligoland" had been especially disarmed before entering the Dardanelles, in order that no question might be raised as to her not coming under the category of permitted vessels; and I understand that, when the "Heligoland" arrived at Constantinople, General Ignatieff remarked to Baron Prokesch as to her size, but, on learning that she had but two guns, made no further observation, and the question was completely dropped.

Inclosure in No. 99.

LIST of Vessels sent to the Black Sea in October 1869, to escort the Emperor of Austria.

Description.	Names.	Guns.	Crew.	Remark.
Screw corvette	"Helgoland"	2	240	..
Steam aviso	"Elizabeth"	2	164	..
Steam transport	"Gargnano."	..	72	..
Paddle-wheel steamer ..	"Fiume"	2	54	On station at the mouth of the Danube.

No. 100.

Lord Bloomfield to Earl Granville.—(Received December 9.)

My Lord, *Vienna, December 4, 1870.*

I CALLED on Count Beust to-day, but he was so engaged it was impossible for me to have any conversation with him, his whole disposable time having been occupied with the Russian Minister, who had just left him and delivered to him the answer of his Government to the last Austrian despatch on the question of the neutralization of the Black Sea. He said it was drawn up in very courteous language.

I have, &c.

(Signed) BLOOMFIELD.

No. 101.

Lord Bloomfield to Earl Granville.—(Received December 9.)

(Extract.) *Vienna, December 4, 1870.*

AUSTRIA, Count Beust said, is far from desiring to prevent a peaceful settlement of the question in dispute, and has not the slightest wish to encourage the Porte to take an energetic line.

No. 102.

Lord Bloomfield to Earl Granville.—(Received December 9.)

My Lord, *Vienna, December 6, 1870.*

IN pursuance of the authority conveyed to me by your Lordship's telegram of yesterday, I have delivered to Baron Aldenburg a copy of your Lordship's despatch to Sir Andrew Buchanan of the 28th ultimo, which forms the answer of Her Majesty's Government to Prince Gortchakoff's despatch to Baron Brunnow of the $\frac{8}{20}$th ultimo.

His Excellency said he was glad to be able thus early to forward this communication to Count Beust, who was now occupied at Pesth in preparing an answer to the Russian despatch, which had been delivered to him by M. Novikoff two days ago.

I have, &c.

(Signed) BLOOMFIELD.

No. 103.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December 9, 1870.*

FROM your Excellency's recent despatches it appears that the Government at Tours had not yet received the assent of the Members of the Government at Paris to participate in the proposed Conference on the subject of the Treaty of 1856.

As soon as your Excellency learns that such assent has been received, I have to request that you will state to the Count de Chaudordy that Her Majesty's Government would be glad to be informed, confidentially, in what manner the renunciation by Russia of the claim put forward in the Circular to release herself, of her own free will, from obligations recorded by Treaty should, in the opinion of the French Government, be treated in the Protocols, and also whether they are of opinion that the existing arrangements for maintaining the neutralization of the Black Sea should be adhered to, or whether they should be altogether abandoned, or retained with certain modifications, and in either of the last two cases what equivalent might with justice be demanded of Russia for such concession, and might reasonably be considered as acceptable to the Porte.

What Her Majesty's Government desire is an interchange of ideas with the French Government upon these points, on the understanding, however, that it involves no agreement between the two Governments previous to their entering into the Conference.

I am, &c.

(Signed) GRANVILLE.

No. 104.

Sir A. Buchanan to Earl Granville.—(Received December 10.)

My Lord, *St. Petersburgh, December 3, 1870.*

PRINCE GORTCHAKOFF, I regret to say, is confined to bed with a severe attack of gout, but his Excellency was nevertheless good enough to receive me this morning, in order that I might read to him your Lordship's despatch of the 28th ultimo.

Having read the despatch, I gave him a copy of it.

Prince Gortchakoff said that it afforded him much satisfaction to learn that the friendly assurances of the Government of the Emperor to that of Her Majesty, conveyed in his despatch to Baron Brunnow of the 20th ultimo, had been met by your Lordship and Her Majesty's Government in the spirit which he had expected; and he had no doubt, considering the courteous and conciliatory character of your Lordship, and the

mutual desire of the two Governments to promote, through their cordial and friendly relations, the tranquillity of the East and the welfare of Europe, that the question at issue between them will be amicably arranged.

With respect to the Conference, he said, it is of course understood that the Plenipotentiaries taking part in it will support the views of their respective Governments on the subject to be brought before it, and that there could be no objection to any opinion being recorded in a Protocol which the Conference may think it right to express on the question of principle raised by Her Majesty's Government in your Lordship's despatch of the 10th November.

His Excellency also said, he had every reason to hope, from the assurances he had received, that an understanding, satisfactory to all parties, would be come to with respect to the revision of the Treaty of 1856.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 105.

Sir A. Buchanan to Earl Granville.—(Received December 10.)

My Lord, *St. Petersburgh, December 5, 1870.*

I HAVE reason to believe that Prince Gortchakoff does not intend to address a despatch to Baron Brunnow in reply to your Lordship's of the 28th ultimo.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 106.

Sir A. Buchanan to Earl Granville.—(Received December 10.)

(Extract.) *St. Petersburgh, December 5, 1870.*

PRINCE GORTCHAKOFF said that Russia had never made proposals to Great Britain for the revision of the Treaty; but he nevertheless contended that his statement was equally so, as to the unwillingness of Great Britain to consent to the question being taken into consideration, as when overtures have been made for Conferences with a view to the removal of questions likely to create complications in Europe, the English Government always opposed them from an apprehension that the Eastern question would be brought before the consideration of such Conferences or Congresses. I said, it appeared, however, from his Circular that he himself considered the question of the neutralization of the Black Sea and the Eastern question to be distinct, and he rejoined, by the Eastern question he meant the Treaty of 1856.

I asked him, therefore, to tell me when England had declined, for the reason he now stated, to take part in a Conference, and he answered it was the motive for her discouraging the meeting of a Conference ("c'était sa pensée"); on which I observed that it was unusual to hold persons responsible for their thoughts until they were expressed.

No. 107.

Sir A. Buchanan to Earl Granville.—(Received December 10.)

My Lord, *St. Petersburgh, December 5, 1870.*

PRINCE GORTCHAKOFF will forward to Baron Brunnow a full power and instructions for his guidance in the Conference about to meet in London to consider the expediency of revising the Treaty of 1856, as soon as he has received despatches from Baron Brunnow, now on their way from London.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 108.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 10, 1870.

I HAVE received your Excellency's despatch of the 1st instant, reporting the various communications which you have had with the Count de Chaudordy respecting the proposed Conference to be assembled to discuss the question of the position of Russia under the Treaty of 1856, and in which your Excellency has endeavoured to overcome the scruples felt by the Government at Tours to taking part in the Conference; and I have to convey to your Excellency my entire approval of your proceedings in this matter.

I am, &c.
(Signed) GRANVILLE.

No. 109.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, December* 12, 1870.

I HAVE received your telegram inquiring, on behalf of Count Bismarck, whether Her Majesty's Government would be disposed to allow the Prince of Roumania to submit to the forthcoming Conference his memorandum of grievances.

I have informed you in reply that I see great objections to extending the deliberations of the Conference to other subjects beyond the neutralization of the Black Sea, and the questions immediately arising out of it.

I am, &c.
(Signed) GRANVILLE.

No. 110.

Earl Granville to Sir A. Buchanan.

Sir, *Foreign Office, December* 13, 1870.

I HAVE to acquaint your Excellency that I approve the language which you held to Prince Gortchakoff as reported in your despatch of the 5th instant, on the subject of the alleged refusal of England to take into consideration former overtures by Russia for the revision of the Treaty of 1856.

I am, &c.
(Signed) GRANVILLE.

No. 111.

Sir A. Paget to Earl Granville.—(Received December 14.)

My Lord, *Florence, November* 30, 1870.

IN obedience to the instructions conveyed in your Lordship's telegram of yesterday's date I have expressed to M. Visconti Venosta the acknowledgments of Her Majesty's Government for the prompt and cordial co-operation of the Italian Government in the question recently raised by Russia.

His Excellency expressed his gratification at this communication, and the satisfaction which it afforded him when the interests and policy of Italy enabled her Government to unite their action with that of the Government of Great Britain.

I have, &c.
(Signed) A. PAGET.

No. 112.

Sir H. Elliot to Earl Granville.—(Received December 14.)

My Lord, *Therapia, November 30, 1870.*

GENERAL IGNATIEFF stated to me to-day that he had received the intimation that a Conference having been agreed to by his Government and that of Her Majesty, the proposal would be made by Prussia to the Governments of Turkey, Austria, and Italy, and to that of France by your Lordship.

In reply to my inquiry whether he was aware of a basis having been fixed for its deliberations, he said that the basis must of course be that of the late declaration of his Government, that the neutralization of the Black Sea was now at an end.

He added that, in point of fact, the Russian Government considered that the neutralization had actually ceased from the day on which Her Majesty's ship "Gannet" had entered the waters of the Black Sea, six years ago.

I said that nothing which I had received from your Lordship led me to understand that Her Majesty's Government admitted that the neutralization of the Black Sea, or any other part of the Treaty of Paris, could be abrogated by the simple declaration of one Power, and I believed also that they would learn with surprise that the Russian Government had, as he now asserted, considered the neutralization clauses as having been already annulled so many years before Prince Gortchakoff's notification.

I have, &c.

(Signed) HENRY ELLIOT.

No. 113.

Count Beust to Count Chotek.—(Communicated to Earl Granville by Count Apponyi, December 16.)

Bude, le 7 Décembre, 1870.

M. L'ENVOYE DE RUSSIE s'est acquitté envers moi des ordres de son Gouvernement en me donnant connaissance des deux dépêches, ci-jointes en copie, destinées à servir de réponse à celles que j'ai adressées à votre Excellence le 16 du mois dernier, au sujet de l'incident soulevé par la Circulaire Russe du $\frac{19}{31}$ Octobre.

J'ai accueilli la communication de ces pièces avec tout l'intérêt qu'elles méritent. Les matières qu'elles ont pour objet y sont traitées dans des termes tels à me laisser l'impression qu'à St. Petersbourg on éprouve autant que nous-mêmes le désir de leur donner une solution satisfaisante pour toutes les parties intéressées.

A la veille d'une Conférence où la question dont il s'agit devra être soumise à de mûres delibérations, je crois inutile d'entrer en discussion sur le fond des répliques de M. le Prince Gortchakoff.

Il est pourtant un point que, dès à présent, je ne saurais passer sous silence. Je veux parler de l'opinion émise dans la première de ces dépêches, et d'après laquelle il faudrait attribuer à tous les Traités contemporains une cohésion telle qu'aucun deux ne saurait être infirmé sans altérer la valeur de tous les autres et sans donner à chacune des Puissances intervenantes dans ces derniers le droit de déclarer caduques celles de leurs stipulations qu'il ne lui conviendrait plus de laisser subsister. Nous croyons qu'une théorie pareille, si elle venait à prévaloir, porterait la plus grave atteinte à la foi des Traités et aurait pour résultat de détendre tous les liens qui, jusqu'à ce jour, ont uni les nations.

Nous n'avons jamais prétendu que les transactions internationales fussent à l'abri des injures du temps, et qu'elles dussent être maintenues intactes à tout jamais. Si ferme que puisse être, au moment de la signature d'un Traité, la résolution des Contractants de lui assurer une durée perpétuelle, il est incontestable, ainsi que le fait remarquer M. le Chancelier Russe, qu'à la longue il peut survenir tels événements qui changent la situation de sorte à faire désirer aux signataires une modification de toute ou partie de la Convention. Mais dans ce cas le droit des gens indique la voie à suivre: c'est celle d'un recours fait par l'Etat qui y a intérêt aux autres Puissances intervenantes, dans le but de s'entendre sur les modifications à apporter au Traité.

En ce qui concerne les clauses du Traité de Paris relatives à la neutralité de la Mer Noire, le Gouvernement Impérial et Royal avait lui-même, il y a près de quatre ans, reconnu l'opportunité d'une révision; mais comme je l'ai rappelé dans ma dépêche du 16 Novembre, ce qu'il a eu en vue, c'est une révision qui, s'opérant par l'accord des Parties Contractantes, tendit à raffermir, au lieu de l'ébranler, le respect dû au droit public de l'Europe.

M. le Prince Gortchakoff, en mentionnant cette initiative du Cabinet Austro-Hongrois, s'étonne de ce que j'aie parlé de la froideur de l'accueil qu'elle avait dans le temps rencontré en Russie, et il invoque, comme preuve de contraire, une dépêche adressée par lui au Comte Stackelberg au mois de Novembre 1866. Je regrette de devoir faire observer que ce fait ne détruit en rien mon allégation, la dépêche Russe en question étant antérieure de plusieurs mois à nos ouvertures du mois de Janvier 1867, et ne pouvant par conséquent pas être citée à titre de réponse.

Enfin M. le Chancelier se méprendrait absolument sur ma pensée s'il supposait ainsi que cela semble résulter d'un passage de sa dépêche No. 2, que j'ai voulu dire dans la mienne que le Gouvernement Impérial de Russie, par sa récente Circulaire, se serait proposé de mettre la question d'Orient sur le tapis. En qualifiant cette manifestation de stimulant pour les populations du Levant, j'étais loin de mettre en cause les intentions de la Russie; j'ai seulement voulu donner à entendre que l'effet, assurément non prémédité, de cet acte serait de semer l'agitation dans les esprits et de faire naître ainsi des complications sérieuses. Certes, nous serions heureux de voir l'évènement démentir nos prévisions, et la Cour de St. Pétersbourg n'aurait pas de meilleur moyen de s'assurer notre reconnaissance et celle du reste de l'Europe que de contribuer, pour sa part, à faire ressortir que nous nous étions livrés à de vaines alarmes.

Ces quelques observations faites, je tiens à bien établir que ce ne sont en aucune façon des sentiments hostiles à la Russie qui ont dicté notre réponse aux déclarations Russes du $\frac{19}{31}$ Octobre dernier, mais uniquement la préoccupation de sauvegarder le développement régulier et pacifique du droit international. Cette préoccupation, jointe à celle de mettre à couvert les intérêts de l'Europe en général et les nôtres en particulier engagés dans la question, servira aussi de guide à notre conduite lors des délibérations de la Conférence.

Ainsi que le Prince Gortchakoff le constate avec raison, nous comprenons les intérêts légitimes de son Gouvernement tout aussi bien que les intérêts généraux de l'Europe, et la dépêche Russe ne fait que me rendre justice en disant que j'ai trop de sentiment de la dignité de mon pays pour ne pas apprécier ce que réclame de la Russie le souci de la sienne. C'est précisément à concilier toutes ces considérations et tous ces intérêts que devra, dans notre conviction, s'appliquer la Conférence. Le chef du Cabinet Russe peut compter que le Gouvernement Impérial et Royal abordera cette tâche sans parti pris d'aucune sorte et dans le seul but de consolider la paix de l'Orient en donnant au différend soulevé par la Russie un dénouement qui soit de nature à ménager les susceptibilités nationales que nous savons respecter sans affaiblir les garanties que réclament les autres nations également intéressées dans les questions qui se rattachent à la Mer Noire. Car nous comptons bien que c'est ainsi que notre pensée a été saisie à St. Pétersbourg. Comprendre, apprécier les sentiments de dignité d'un pays voisin, ce n'est pas abdiquer en sa faveur, et le désir sincère de faire cesser tout sujet de discorde ne saurait nous amener à y sacrifier nos propes intérêts. Si, comme nous l'espérons, les Puissances se placent sur ce terrain, on arrivera, ainsi que le désire le Gouvernement Impérial de Russie, à garantir le repos de l'Orient et l'équilibre de l'Europe.

Veuillez, M. le Comte, communiquer cette dépêche à M. le Prince Gortchakoff; et recevez, &c.

(Signé) BEUST.

(Translation.)

Buda, December 7, 1870.

THE Russian Envoy has obeyed the instructions of his Government, and has communicated to me two despatches, of which copies are annexed, in answer to those which I addressed to your Excellency on the 16th of last month on the subject of the question raised by the Russian Circular of the $\frac{19th}{31st}$ October.

I received these documents with all the interest they deserved. The matters contained in them are treated of in terms such as give the impression that they are as anxious at St. Petersburgh as we are that they shall have a satisfactory solution for all the parties interested.

On the eve of a Conference at which the question at point will be thoroughly examined, I think it useless to enter into discussion on the ground of the replies of Prince Gortchakoff.

But there is one point which I cannot at present pass by in silence. I wish to speak of the opinion enunciated in the first of these despatches according to which so great a cohesion is to be attributed to all cotemporary Treaties that no single one of them could be invalidated without impairing the value of all the others, and without giving each

of the Powers concerned in the latter the right to declare as having lapsed those of their stipulations which it would not suit them to allow to exist. We think that such a theory, if it obtained ground, would be a severe blow to the faith placed in Treaties, and its effect would be to loosen all those ties which, up to now, have held nations together.

We have never pretended that international transactions are exempt from the effects of time, and that they must be eternally maintained intact. No matter how firm may be the resolution of the Contracting Parties at the time of the signature of a Treaty that its duration shall be assured, it is incontestable, as the Russian Chancellor remarks, that in the long run, events may happen which change the situation so as to render it desirable to the signataries that a modification of part or all of the Convention should be made. But in that case the Law of Nations points out the course to be followed; this is, that recourse should be had by the interested State to the other intervening Powers with a view to coming to an understanding as to the modifications to be made in the Treaty.

As concerns the clauses in the Treaty of Paris relative to the neutrality of the Black Sea, the Imperial and Royal Government had itself nearly four years ago recognized the opportunity of a revision; but, as I called to mind in my despatch of the 16th of November, what they had in view was a revision, which, taking place with the consent of the Contracting Parties, would tend to strengthen instead of shake the respect due to the public law of Europe.

Prince Gortchakoff, in mentioning this initiative of the Austro-Hungarian Cabinet, is surprised that I have spoken of the coldness of the reception it met with at that time in Russia, and he instances, as a proof to the contrary, a despatch addressed by him to Count Stackelberg in the month of November 1866. I regret to be obliged to request you to observe that this in no way refutes my allegation, as the Russian despatch in question was written many months prior to our overtures in the month of January 1867, and cannot, consequently, be quoted as an answer.

Finally, the Chancellor would quite misunderstand my meaning if he supposed, as seems to be the case from a passage in his despatch No. 2, that I wished to say in mine that the Imperial Government of Russia by their recent Circular intended to raise the Eastern question. When designating that manifestation as a stimulant to the populations of the Levant, I was far from calling in question the intentions of Russia; I only wished to convey that the effect, surely not premeditated, of that act would be to sow agitation in men's minds and thus give birth to serious complications. Certainly, we should be happy to see the event contradict our expectations, and the Court of St. Petersburgh could not use better means to secure to itself our gratitude and that of the rest of Europe than by contributing on its part to prove that we were the prey of vain alarms. Having made these few observations, I wish to state that sentiments hostile to Russia by no means dictated our answer to the Russian declaration of the $\frac{19th}{31st}$ October last, but merely anxiety to protect the regular and pacific development of international law. This anxiety, coupled with that of protecting the interests of Europe in general and ours in particular engaged in the question, will guide our deliberations at the Conference.

As Prince Gortchakoff, with reason, states, we understand the legitimate interests of his Government quite as well as the general interests of Europe, and the Russian despatch only does me justice in saying that I have too great a sense of the dignity of my country not to appreciate what the anxiety for her own requires of Russia. It is precisely to conciliate all these considerations and all these interests that, in our conviction, the Conference should apply itself. The head of the Russian Cabinet can count upon the Imperial and Royal Government commencing this task without bias of any sort, and with a sole view of consolidating the peace of the East by obtaining for the question started by Russia a result of a nature to spare the national susceptibilities which we know how to respect, without weakening the guarantees which other nations claim who are equally interested in the questions affecting the Black Sea. For we are confident that our meaning has been thus interpreted at St. Petersburgh. To understand, to appreciate the sentiments of dignity of a neighbouring country is not to give way in its favour, and the sincere desire to do away with every subject of discord would not lead us to sacrifice for it our own interests. If, as we hope the Powers take up this ground, we shall succeed, as the Imperial Government of Russia desires, in guaranteeing the repose of the East and the equilibrium of Europe.

You will communicate this despatch to Prince Gortchakoff, and receive, &c.

(Signed) BEUST.

No. 114.

Lord Lyons to Earl Granville.—(Received December 17.)

My Lord, *Tours, December 8, 1870.*

THE Comte de Chaudordy informed me this afternoon that he had received a letter from M. Jules Favre, which did not convey the formal answer of the Government at Paris to the proposal to France to join in a Conference on the Russian question, but which expressed the feelings with which the proposal was regarded by that Government.

It appeared, M. de Chaudordy said, to be considered sad and incongruous that a French Plenipotentiary should be sent to London to talk about the Black Sea, while France itself was suffering the utmost rigour of war at the hands of the Prussians. As England had, at the request of Prussia, invited France to the Conference, the Government at Paris conceived that Her Majesty's Government had undoubtedly the right to insist upon such concessions being made by Prussia as would render it possible for France to send a Plenipotentiary to the Conference and to appear at it with dignity and decorum. For this purpose it would be necessary that the Government of National Defence should have the means of convoking a National Assembly and of deliberating with some calmness. They accordingly once more earnestly requested Her Majesty's Government to use every effort to obtain for France an armistice on reasonable conditions, which must of course include the revictualling of Paris for the time the suspension of hostilities continued.

M. de Chaudordy observed that it must surely be shocking to all Christian feeling that the season of Christmas and the New Year should be desecrated by the continuance of such hostilities as were now carried on in France.

At M. de Chaudordy's request I immediately made known to your Lordship by telegraph the sentiments of the Paris Government.

I have, &c.
(Signed) LYONS.

No. 115.

Lord Lyons to Earl Granville.—(Received December 17.)

My Lord, *Bordeaux, December 12, 1870.*

I HAD this morning the honour to receive, with your Lordship's despatch of the 5th instant, copies of Prince Gortchakoff's despatch to Baron Brunnow of the $\frac{8th}{20th}$ ultimo, and of your Lordship's despatch to Sir Andrew Buchanan of the 28th ultimo. In obedience to your Lordship's instructions I at once gave a copy of the latter document to the Comte de Chaudordy.

I at the same time asked M. de Chaudordy whether he was able to announce to me the acceptance by the French Government of the proposal to them to take part in the proposed Conference on the Russian Question.

M. de Chaudordy said that he had received nothing from Paris on the subject since he had spoken to me on the 8th instant, and he proceeded to express the sentiments of the Paris Government in very much the same terms which he used on that occasion, and which were reported to your Lordship in my telegram and despatch of the same day. He observed that the French Government were placed in a very cruel and embarrassing situation by the proposal that they should take part in a Conference at this moment without any assurance that the questions which were matters of life and death to them would be mentioned at it, and without the means which an armistice could alone afford, of preparing to appear at it with propriety and dignity.

M. de Chaudordy added that he was informed that Count Beust had suggested to your Lordship a collective representation from England, Austria, and Italy to Prussia in favour of an armistice, and that your Lordship had rejected the suggestion.

I said that I was not aware of this, but that I knew that your Lordship was extremely desirous that an armistice should be obtained, and I added that if you had in fact received and rejected any such proposal as that he had mentioned, you must certainly have done so under the conviction that the interference of the neutral Powers would only tend to defeat the object.

Adverting to the question M. de Chaudordy had put to me some time before, I told him that your Lordship had not instructed Mr. Odo Russell to originate a negotiation with Count Bismarck respecting an armistice, because you were sure that any such

instruction would do harm instead of good. You had, I said, communicated to Count Bismarck, through the Prussian Ambassador in London, all the information likely to have a good effect, which you were authorized to give respecting the views of the French Government, and you had thus taken the steps which you deemed best calculated to facilitate the success of any direct communication into which the French Government might enter with the Prussian Authorities. Her Majesty's Government had, I added, been most anxious to afford their assistance in every way in which it could be practically useful towards procuring a suspension of hostilities, but they had not thought that in the present position of affairs they could address, without positive injury to the cause they had at heart, a dictatorial summons to Prussia.

I have, &c.
(Signed) LYONS.

No. 116.

Sir A. Buchanan to Earl Granville.—(Received December 17.)

My Lord, *St. Petersburgh, December* 7, 1870.

I RECEIVED, at an early hour this morning, your Lordship's telegram of yesterday, transmitting the copy of another, addressed to your Lordship by Mr. Odo Russell; and I immediately called upon Prince Gortchakoff, and read to him a Memorandum of its substance, as it appeared to me, from the date of Mr. Russell's telegram, that something might have occurred in your conversation with Baron Brunnow since you received it, throwing doubt upon the understanding with which your Lordship believed that Russia had accepted an invitation to the Conference to be held at London, respecting the expediency of revising certain stipulations in the Treaty of 1856, establishing the neutrality of the Black Sea.

Prince Gortchakoff said, in reply, that I might inform your Lordship that he accepts as correct every word in Mr. Russell's report; and he offered, if I thought it advisable, to make a similar statement to Baron Brunnow. He, therefore, sent for a Secretary, and dictated from my Memorandum a telegram to his Excellency, stating that I had read to him the copy of a telegram from Mr. Russell to your Lordship, reporting that he had been informed by Count Bismarck that Russia had accepted an invitation to the Conference. on the distinct understanding ("entente explicite") that it was not to meet on a foregone conclusion, the latter word being dictated by his Excellency in English. His Excellency further instructs Baron Brunnow that this statement of the case is entirely in harmony with the views of the Imperial Government, and that it is the Emperor's wish that the Conference should meet with the least possible delay.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 117.

Sir A. Buchanan to Earl Granville.—(Received December 19.)

My Lord, *St. Petersburgh, December* 12, 1870.

AT an interview with Prince Gortchakoff yesterday, his Excellency informed me that he had received despatches from London, from which he was happy to perceive that, though the Russian Circular of the 31st ultimo had temporarily interrupted the friendly character of Baron Brunnow's relations with your Lordship, they were again becoming more satisfactory, and he trusted that the cordial understanding which, in the interests of Russia and of Europe, the Emperor desires to maintain with Great Britain will not be impaired by the incident which is to be discussed in the Conference about to meet in London. As his Excellency added that he had every reason to be satisfied with the spirit in which Her Majesty's Government was dealing with the question that had arisen between the two Governments, and to look forward with confidence to its amicable solution, I answered that I hoped your Lordship and Her Majesty's Government would have equal reason to be satisfied with the instructions which he had sent to Baron Brunnow, for in my opinion the amicable solution of the question which he desired would greatly depend upon them, and on the freedom of action which may have been allowed to Baron Brunnow. His Excellency said he had done everything that it was possible for him to do under the circumstances, and he believed it would be found that he had done

enough. In answer also to an inquiry on my part, he said Baron Brunnow would present the views of Russia to the Conference without mentioning the declaration in his Excellency's Circular of the 31st of October, and to which, therefore, no reference should be made unless a discussion was raised upon it by others.

In making these conciliatory observations he was disposed, it is true, to defend the right of the Emperor to exercise entire sovereignty within his own dominions; but I suggested that on that subject we had better avoid discussion.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 118.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 19, 1870.

I HAVE received your despatch of the 12th instant, reporting your having delivered to the Count de Chaudordy a copy of my despatch to Sir A. Buchanan of the 28th ultimo, respecting the proposed Conference on the position of Russia as regards the Black Sea, and in which you also state the substance of a conversation which you had with that Minister upon the same occasion with reference to the question of an armistice in connection with the assembling of a Conference.

I have now to convey to your Excellency my approval of the language which you held to the Count de Chaudordy on these subjects.

I am, &c.
(Signed) GRANVILLE.

No. 119.

Earl Granville to Lord Lyons.

(Extract.) *Foreign Office, December* 19, 1870.

I HAVE thought it advisable to avoid pledging Her Majesty's Government to consent to the meeting of the Conference in the absence of any Representative of France, which, indeed, Her Majesty's Government would be very loath to do; but your Excellency will explain to the Count de Chaudordy that whatever regret Her Majesty's Government would feel at the absence of a French Plenipotentiary from the counsels of the Conference, the importance of the questions at issue is so great that they would not feel justified in discouraging the meeting, which they consider on all grounds so necessary in the interests of Europe.

No. 120.

Earl Granville to Sir A. Paget.

(Extract.) *Foreign Office, December* 19, 1870.

I HAVE to inform you that in answer to the conditions which the French Government wish to attach to their acceptance of the Conference, I have expressed the opinion of Her Majesty's Government that it will be desirable to confine the discussion to the neutralization of the Black Sea, and such questions as may depend on it.

The French Chargé d'Affaires leads me to hope that his Government will appoint a Representative to the Conference upon this understanding.

No. 121.

Lord Lyons to Earl Granville.—(Received December 20.)

My Lord, *Bordeaux, December* 15, 1870.

I HAD this morning the honour to receive your Lordship's telegram of yesterday, expressing your desire to be enabled to announce to-day to the Cabinet the answer of the French Government to the invitation to take part in the Conference on the Russian Question.

I went without any loss of time to the Comte de Chaudordy, and asked him to give me, if possible, the means of sending to your Lordship at once the information you required. He said that, as matters stood, it was impossible for him to give me a definitive answer on the part of the French Government. He must, he said, wait for instructions from the Government at Paris, to whom the invitation had been referred. He expected to receive those instructions by the first opportunity; he thought it, indeed, not improbable that they might be in a balloon which was reported to have come down at Honfleur. He would promise to let me know the instant he received the orders of the Paris Government.

In the meantime, however, he particularly begged me to say to your Lordship that, under certain conditions, the Delegation at Bordeaux would have no hesitation in accepting at once, on behalf of the whole Government, the invitation to the Conference. If Her Majesty's Government would obtain for France an armistice on the basis of a proportionate revictualling of Paris, and thus facilitate the convocation of a National Assembly; or if Her Majesty's Government would give the French Government an assurance that the questions between France and Prussia should be treated in the Conference,—there would be no further difficulty. On either of these conditions the Delegation here would be warranted in declaring immediately the assent of France.

On leaving M. de Chaudordy I despatched a telegram to your Lordship conveying the substance of what he had said.

I have, &c.
(Signed) LYONS.

No. 122.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 20, 1870.

I HAVE to-day received your Excellency's telegram of the 19th instant, and I have to request that you will express to the French Government the satisfaction with which Her Majesty's Government have learnt the decision come to by them to send a Representative to the proposed Conference; and I need not say that I shall receive with pleasure any one whom the French Government may think fit to appoint with this object.

Count Bernstorff, with whom I have communicated on this subject, has expressed his readiness to forward to Versailles my application for a safe-conduct for the French Envoy, as soon as I am enabled to furnish him with his name.

It will be desirable that your Excellency should ascertain from the French Government whether they are aware that the proposal is that there should be only one Plenipotentiary appointed to represent each country at the Conference; and that all the other countries taking part therein have appointed their Representatives at the Court of London.

Without venturing to offer the French Government advice in this respect, I may be allowed to express the great regret which I should feel at the absence of M. Tissot from the deliberations of the Conference, as his intimate acquaintance with the affairs of the East, and the excellent position which he has created for himself in this country, would have rendered his services of no little value.

I am, &c.
(Signed) GRANVILLE.

No. 123.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 21, 1870.

I HAVE received your Excellency's despatch of the 8th instant, reporting your communications with the Count de Chaudordy as to the acceptance by the Members of the French Government at Paris of the proposed Conference on the Russian question, and in which his Excellency represented the anomalous position in which France would stand in such a Conference, and urged upon Her Majesty's Government the duty of insisting upon such concessions being made by Prussia as would render it possible for France to appear in the Conference with dignity and honour, with which object the

Government of National Defence again urge Her Majesty's Government to use their efforts to obtain for France an armistice on reasonable conditions.

The despatch which I addressed to your Excellency on the 10th instant,* after the receipt of your telegram of the 8th of this month, and in which I recorded my communications with M. Tissot on the points adverted to in your present despatch, together with my despatch to your Excellency of the 14th instant,† recording my interview with M. Reitlinger, state so fully the views of Her Majesty's Government on this subject, as well as their conviction of the inutility of any more active steps on their part at the present moment with a view to bring about an armistice, that I feel it is not necessary for me to recapitulate them in answer to your present despatch.

I am, &c.
(Signed) GRANVILLE.

No. 124.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 21, 1870.

IN an interview which I have had with M. Tissot, he conveyed to me an official assurance that the French Government would probably give their assent to the proposed Conference on the Russian question.

In thanking M. Tissot for this communication I assured him that it would encourage me to send out the formal invitations to the Conference; that I should consider the French Government uncommitted in regard to accepting the invitation, but that, on the other hand, I trusted that the forwarding them to the various Courts would not be construed into any want of respect by the French Government.

M. Tissot entirely agreed to these observations.

I am, &c.
(Signed) GRANVILLE.

No. 125.

Lord Lyons to Earl Granville.—(Received December 22.)

My Lord, *Bordeaux, December* 18, 1870.

I HAVE already had the honour to inform your Lordship by telegraph that the Comte de Chaudordy received this evening a despatch from Paris dated yesterday, which announced to him that the Government there had considered the proposal made to France to take part in a Conference on the question raised by the Russian circular, and had determined that a Plenipotentiary should be deputed to represent this country in the proposed Conference.

M. de Chaudordy brought me this intelligence himself, and authorized me to transmit it at once to Her Majesty's Government, who would, he hoped, see in it a fresh proof of the desire of the French Government to testify its regard for them.

I have, &c.
(Signed) LYONS.

No. 126.

Earl Granville to M. Tissot.

M. le Chargé d'Affaires, *Foreign Office, December* 23, 1870.

THE several Powers parties to the General Treaty signed at Paris on the 30th of March, 1856, having agreed that a Conference should be held in London for the consideration of certain matters stipulated in that Treaty with respect to the neutralization of the Black Sea, I have the honour to request that you will acquaint your Government that I have proposed that the Conference should be opened at the Foreign Office on the 3rd of January, 1871, at 1 o'clock in the afternoon, by which time I trust that the

* See "Further Correspondence respecting the War between France and Germany (No. 1: 1871)," No. 314.
† Ibid., No. 317.

Plenipotentiary of France will have received the requisite authority to enter upon such matters in Conference with the Plenipotentiaries of the other Powers, parties to the said Treaty.

I am, &c.
(Signed) GRANVILLE.

No. 127.

*Earl Granville to Baron Brunnow.**

M. le Ministre, *Foreign Office, December* 23, 1870.

THE several Powers parties to the General Treaty signed at Paris on the 30th of March, 1856, having agreed that a Conference should be held in London for the consideration of certain matters stipulated in that Treaty with respect to the neutralization of the Black Sea, I have the honour to request your attendance at the Foreign Office on the 3rd of January, 1871, at 1 o'clock in the afternoon, to enter upon such matters in Conference with the Plenipotentiaries of the other Powers, parties to the said Treaty.

I am, &c.
(Signed) GRANVILLE.

No. 128.

Count Apponyi to Earl Granville.—(Received December 24.)

M. le Comte, *Belgrave Square, le* 27 *Décembre,* 1870.

PAR sa note en date d'hier votre Excellence m'informe que les Puissances signataires du Traité conclu à Paris, le 30 Mars, 1856, sont convenues qu'une Conférence serait tenue à Londres afin de prendre en considération certaines stipulations de ce Traité relatives à la neutralisation de la Mer Noire, et en conséquence vous me faites l'honneur, M. le Comte, de m'inviter à me rendre au Foreign Office, Mardi le 3 Janvier, 1871, pour conférer sur les matières sus-énoncées avec les Plénipotentiaires des Puissances co-signataires du dit Traité.

Ayant reçu de Sa Majesté Impériale et Royale Apostolique les pleins-pouvoirs nécessaires pour représenter son Gouvernement dans cette Conférence, je m'empresserai de me rendre à l'invitation de votre Excellence au jour et à l'heure indiqués; et je saisis, &c.

(Signé) APPONYI.

(Translation.)

M. le Comte, *Belgrave Square, December* 27, 1870.

YOUR Excellency in your note of yesterday informs me that the Powers, signataries of the Treaty concluded at Paris of the 30th of March, 1856, have agreed that a Conference should be held in London in order to take into consideration certain stipulations of that Treaty relative to the neutralization of the Black Sea, and, in consequence, you do me the honour of requesting my attendance at the Foreign Office on Tuesday, the 3rd of January, 1871, to confer on the above-mentioned matters with the Plenipotentiaries of the Powers co-signataries of the said Treaty.

Having received from His Imperial and Apostolic Majesty the full powers necessary to represent his Government in that Conference, I shall not fail to avail myself of your Excellency's invitation on the day and at the hour mentioned.

I have, &c.
(Signed) APPONYI.

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* Similar letters were addressed to Musurus Pasha, Count Bernstorff, Count Apponyi, and the Chevalier Cadorna.

No. 129.

Count Bernstorff to Earl Granville.—(Received December 24.)

(Translation.)

My Lord, *Prussia House, December* 24, 1870.

I HAVE had the honour to receive your Excellency's invitation to the Conference which will be opened on the 3rd of January, 1871, at 1 o'clock in the afternoon at the Foreign Office, in order to take into consideration certain questions relative to the neutralization of the Black Sea, and I shall not fail to be present at the appointed sitting.

I have, &c.
(Signed) BERNSTORFF.

No. 130.

Lord Lyons to Earl Granville.—(Received December 26.)

My Lord, *Bordeaux, December* 21, 1870.

IN obedience to the instructions conveyed to me by your Lordship's telegram of yesterday, I informed the Comte de Chaudordy this afternoon that I was desired to express to him the satisfaction with which Her Majesty's Government had learned that the Government of France had consented to take part in the proposed Conference on the question raised by the Russian Circular.

With regard to M. de Chaudordy's request that your Lordship would obtain a safe-conduct for a French Plenipotentiary to come out of Paris to attend the Conference, I said that Her Majesty's Government would receive with great pleasure any Plenipotentiary whom the French Government might select; and I added that the North German Ambassador in London had promised your Lordship to forward an application from you for the safe conduct, so soon as you should make him acquainted with the name to be inserted in it.

I mentioned incidentally to M. de Chaudordy that it was proposed that there should be only one Plenipotentiary for each country, and I added that I understood that the several Governments intended to depute their ordinary Representatives in London to be their Plenipotentiaries.

M. de Chaudordy begged me to give your Lordship his thanks for your readiness to apply for the safe-conduct, and said that he would let you know as soon as possible the name of the French Plenipotentiary.

I have, &c.
(Signed) LYONS.

No. 131.

Musurus Pasha to Earl Granville.—(Received December 26.)

My Lord, *Londres, le 24 Décembre,* 1870.

J'AI eu l'honneur de recevoir la note que votre Excellence a bien voulu m'adresser en date du 23 de ce mois, et par laquelle, à la suite de l'accord des Puissances signataires du Traité Général du 30 Mars, 1856, pour la réunion d'une Conférence à Londres en vue d'examiner certains points stipulés dans ce Traité, elle m'invite à me rendre au Foreign Office, le 3 Janvier, 1871, à une heure de l'après-midi, pour entrer en Conférence sur ces points avec les Plénipotentiaires des autres Puissances, co-signataires du dit Traité.

En réponse, je m'empresse d'informer votre Excellence que j'aurai l'honneur de me rendre au Foreign Office, au jour et à l'heure indiqués, pour prendre part à la Conférence comme Plénipotentiaire de la Sublime Porte.

J'ai, &c.
(Signé) MUSURUS.

(Translation.)

My Lord, *London, December* 24, 1870.

I HAVE had the honour to receive your Excellency's note dated the 23rd of this month, in which, in consequence of the agreement of the Powers signataries of the General

Treaty of March 30, 1856, to convoke a Conference at London with a view to examining certain points stipulated in that Treaty, you invite me to attend at the Foreign Office on the 3rd of January, 1871, at 1 o'clock, to confer on those points with the Plenipotentiaries of the other Powers co-signataries of the said Treaty.

In reply I beg to inform your Excellency that I shall have the honour of attending at the Foreign Office on the day and at the hour mentioned, to take part in the Conference as the Plenipotentiary of the Sublime Porte.

I have, &c.
(Signed) MUSURUS.

No. 132.

Baron Brunnow to Earl Granville.—(Received December 27.)

M. le Comte, *Londres, le* $\frac{14}{26}$ *Décembre*, 1870.

J'AI l'honneur d'accuser réception de la note en date du 23 Décembre, par laquelle votre Excellence a bien voulu m'inviter à me rendre à la Conférence qui sera tenue au Foreign Office, Mardi, le 3 Janvier, à 1 heure.

Conformément aux instructions de ma Cour, je me ferai un devoir de prendre part à cette réunion à l'heure indiquée.

Veuillez, &c.
(Signé) BRUNNOW.

(Translation.)

M. le Comte, *London, December* $\frac{14}{26}$, 1870.

I HAVE the honour to acknowledge the receipt of the note dated the 23rd of December, in which your Excellency invites me to be present at the Conference which will be held at the Foreign Office on Tuesday, the 3rd of January, at 1 o'clock.

In conformity with the instructions of my Court I shall not fail to be present at the hour named.

Accept, &c.
(Signed) BRUNNOW.

No. 133.

M. Tissot to Earl Granville.—(Received December 28.)

M. le Comte, *Londres, le 27 Décembre*, 1870.

LE Délégué du Ministre des Affaires Etrangères me charge de porter à la connaissance de votre Excellence que le Plénipotentiaire de la France désigné pour prendre part à la Conférence qui doit se réunir à Londres, le 3 Janvier prochain, est M. Jules Favre, Ministre des Affaires Etrangères.

M. le Comte de Chaudordy exprime l'espoir que votre Excellence voudra bien obtenir du quartier du Général Prussien les facilités nécessaires pour que M. Jules Favre puisse accomplir cette mission. M. de Chaudordy ajoute qu'il serait désirable, afin d'éviter tout retard, que l'on fût averti à Paris, par le quartier-général Prussien, que les saufs-conduits sont accordés au Ministre des Affaires Etrangères et qu'on lui désignât le jour où il pourra en profiter.

Veuillez, &c.
(Signé) CH. TISSOT.

(Translation.)

My Lord, *London, December 27*, 1870.

THE Delegate of the Minister for Foreign Affairs directs me to inform your Excellency that the Plenipotentiary for France appointed to take part in the Conference which will meet in London on the 3rd of January next, is M. Jules Favre, the Minister for Foreign Affairs.

Count de Chaudordy expresses a hope that your Excellency will be so good as to obtain from the head-quarters of the Prussian General the facilities necessary to enable M. Favre to carry out this mission. Count de Chaudordy adds that it would be desirable, in order to avoid delay, that notice should be given at Paris by the Prussian head-quarters

that the safe-conducts for the Minister for Foreign Affairs are granted, and a day specified on which they may be used,

Accept, &c.
(Signed) CH. TISSOT.

No. 134.

Chevalier Cadorna to Earl Granville.—(Received December 28.)

M. le Comte, 20, *Hill Street, Berkeley Square, le 27 Décembre*, 1870.

J'AI l'honneur d'accuser réception à votre Seigneurie de sa note du 23 courant, par laquelle elle m'annonçait que les Puissances signataires du Traité Général conclu à Paris le 30 Mars, 1856, sont tombées d'accord qu'une Conférence soit tenue à Londres pour la considération de quelques unes des matières stipulées dans le dit Traité, relativement à la neutralisation de la Mer Noire, et je m'empresse d'informer votre Seigneurie que j'aurai l'honneur de me rendre au Foreign Office, le 3 Janvier, 1871, pour entrer en Conférence avec les Plénipotentiaires des autres Puissances signataires du Traité, selon l'invitation qu'elle a bien voulu m'adresser.

Je n'ai pas manqué de porter à la connaissance de mon Gouvernement cette communication de votre Seigneurie, et j'attends maintenant l'arrivée des pleins pouvoirs qui m'autorisent à prendre part aux travaux de la Conférence, et dont l'envoi m'a été déjà annoncé par la voie télégraphique.

Je saisis, &c.
(Signé) C. CADORNA.

(Translation.)

My Lord, 20, *Hill Street, Berkeley Square, December* 27, 1870.

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 23rd instant, in which you announce to me that the Powers signataries of the general Treaty concluded at Paris on the 30th of March, 1856, have agreed that a Conference shall be held at London for the consideration of some of the matters stipulated in the said Treaty, relative to the neutralization of the Black Sea; and I hasten to inform your Lordship that I shall have the honour of attending at the Foreign Office on the 3rd of January, 1871, to enter into Conference with the Plenipotentiaries of the other Powers signataries of that Treaty, in accordance with the invitation you have been so good as to address to me.

I have not failed to inform my Government of your Lordship's communication, and I am awaiting the arrival of full powers authorizing me to take part in the labours of the Conference, the despatch of which has already been announced to me by telegraph.

I avail, &c.
(Signed) C. CADORNA.

No. 135.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 28, 1870.

I ACQUAINTED your Excellency yesterday by telegraph that Count Bismarck had informed Count Bernstorff that a safe-conduct could only be delivered to M. Jules Favre, French Plenipotentiary to the Conference, to enable him to come to London, on his applying for it by a flag of truce to the Commander-in-chief of the German army before Paris, as the Prussians had determined not to send any more flags of truce before they had received satisfaction for the firing on the last one.

It is unfortunate that there should be so much delay in the arrival of M. Favre. Her Majesty's Government consider it important for many reasons that the first meeting of the Conference should take place on the 3rd January, and I have to request your Excellency to suggest, in the form you consider most suitable, to the French Provisional Government that as a preferable course to the Conference meeting without the presence of a French Plenipotentiary, it might be advisable that they should authorize M. Tissot to represent M. Favre on the first day, when it is proposed that the meeting should be confined to matters of form, reserving for subsequent discussions the substance of the question at issue.

The Conference might, after its first sitting, adjourn until the arrival of M. Favre.

I am, &c.
(Signed) GRANVILLE.

P.S.—The meeting of the Conference was fixed for the 3rd January instead of the 28th December, in order to give more time to the French Representative.

G.

No. 136.

Earl Granville to M. Jules Favre.

M. le Ministre, *Foreign Office, December 29, 1870.*

M. CHAUDORDY having informed Lord Lyons that your Excellency proposed to represent France in the Conference agreed to be held in London respecting the neutralization of the Black Sea, and having asked me to obtain a safe-conduct for your Excellency through the Prussian lines, I lost no time in requesting Count Bernstorff to apply for one, and to send it to your Excellency by a German officer with a flag of truce.

M. de Bernstorff answered me the next day, saying that a safe-conduct would be at your Excellency's disposal as soon as it was asked for by an officer sent from Paris to the German Head-quarters, but that it could not be sent by a German officer until satisfaction was given for the officer bearing a flag of truce who had been fired upon by the French.

I have been informed by M. Tissot that great delay may occur before your Excellency obtains the information from the Delegation at Bordeaux, and although I have suggested to Count Bernstorff another means of conveying it, I think it well to avail myself of the opportunity which the American Chargé d'Affaires has been good enough to consent to in order to tell you what has passed.

It was intended to hold the Conference this week, but, in order to give time to the French Plenipotentiary to arrive, the day of meeting was settled for the 3rd of January. I hope your Excellency will authorize M. Tissot to represent you at the first sitting, when I shall propose that nothing but the question of form be considered, and if, as I much desire, your Excellency is able to announce your arrival, I will propose to adjourn the Conference for a week in order to obtain the great advantage of your Excellency's presence.

I trust that your Excellency will allow me to take this opportunity of expressing my satisfaction at entering into personal communication with you, and the pleasure I shall feel in seeing you in London.

I have, &c.
(Signed) GRANVILLE.

No. 137.

Earl Granville to M. Tissot.

M. le Chargé d'Affaires, *Foreign Office, December 29, 1870.*

I HAVE the honour to acknowledge the receipt of your note of the 27th instant stating that M. Jules Favre will be the French Plenipotentiary at the approaching Conference, and requesting me to take steps to obtain a safe conduct to enable him to come to London.

I received a communication to the same effect from Lord Lyons on the 26th instant, and I at once requested Count Bernstorff to ask Count Bismarck for a safe-conduct for M. Favre, and to send it into Paris by flag of truce. On the following day Count Bernstorff informed me that Count Bismarck was prepared to grant a safe-conduct, but that M. Favre must send a flag of truce to the Commander-in-chief of the besieging army, to apply for it, as the Prussians were determined to send no more flags of truce into Paris until they had received satisfaction for the firing on the one last sent.

I am informed by Lord Lyons that it will take some time to communicate with M. Favre by the means at the disposal of tha Delegation of the Government of National Defence; and as Her Majesty's Government consider it important for many reasons that the first meeting of the Conference should take place on the 3rd, I have directed Lord Lyons to suggest to the Government at Bordeaux that, as a preferable course to the

Conference meeting without the presence of a French Plenipotentiary, it might be advisable that they should authorize you to represent M. Favre on the first day, when it is proposed that the meeting should be confined to matters of form, reserving for subsequent discussion the substance of the question at issue.

The Conference might, after its first sitting, adjourn until the arrival of M. Favre.

I am, &c.
(Signed) GRANVILLE.

No. 138.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, December* 30, 1870.

I HAVE to inform your Excellency that M. Tissot having suggested privately to me that I might endeavour to obtain permission for the Delegation of the Government to send a French officer through the German lines to inform M. Favre that he would obtain a safe-conduct at the German head-quarters to come to London, I mentioned this suggestion to Count Bernstorff, but his Excellency expressed his opinion that it was extremely unlikely that such a permission would be given, and alluded to the public announcement of a postal service to Paris.

I then asked Count Bernstorff whether it would not be possible to send a French officer, a prisoner on parole, to give the information to M. Favre, and Count Bernstorff promised to inquire.

I afterwards asked Count Bernstorff in writing whether he saw objection to my sending information in Mr. Moran's bag to Mr. Washburne. His Excellency in reply made no objection, but informed me that this had already been done in this way from Versailles.

I have written to M. Favre, and Mr. Moran was so good as to forward my letter to-day.

I am, &c.
(Signed) GRANVILLE.

No. 139.

Earl Granville to M. Tissot.

M. le Chargé d'Affaires, *Foreign Office, December* 30, 1870.

WITH reference to the suggestion which you have made to me privately to the effect that I should endeavour to obtain permission for the Government of the Delegation to send a French officer through the German lines to inform M. Favre that he would obtain a safe-conduct at the German head-quarters to come to London, I have the honour to inform you that I mentioned the suggestion to Count Bernstorff, but that his Excellency thought it extremely unlikely that such a permission would be given, and alluded to the public announcement of a postal service to Paris.

I then asked Count Bernstorff whether it would not be possible to send a French officer, a prisoner on parole, to give the information to M. Favre. Count Bernstorff promised to inquire.

I afterwards asked Count Bernstorff in writing whether he saw objection to my sending the information in Mr. Moran's bag to Mr. Washburne.

His Excellency in reply made no objection, but informed me that this had already been done in this way from Versailles.

I have the honour to add, that I have written to M. Favre, and Mr. Moran was so good as to forward my letter to-day.

I am, &c.
(Signed) GRANVILLE.

No. 140.

Lord Lyons to Earl Granville.—(Received December 31.)

My Lord, *Bordeaux, December 26, 1870.*

THE Comte de Chaudordy came to me last night and begged me to ask your Lordship to obtain with the least possible delay from the German authorities a safe-conduct to enable M. Jules Favre to come out of Paris and proceed to London to represent France in the proposed Conference. He suggested also that your Lordship should urge the German authorities to send the safe-conduct at once to Paris by a flag of truce, in order to avoid the great loss of time which must be necessarily incurred if it should be left to the French Government to find, under present circumstances, the means of imforming M. Jules Favre that the means of going to London would be afforded to him.

M. de Chaudordy begged me to communicate his request to your Lordship as soon as possible, and I accordingly despatched a telegram to you directly after he left me.

I have, &c.
(Signed) LYONS.

No. 141.

Count Bernstorff to Earl Granville.—(Received December 31.)

Prussia House, Carlton House Terrace, S.W.,
My dear Earl Granville, *December 30, 1870.*

IN answer to the telegram I sent yesterday to Versailles at your request, Count Bismarck telegraphs to me that Mr. Washburne has already been requested by a letter written to him on the 28th from Versailles to inform M. Jules Favre that he will receive a safe-conduct from the Commander-in-chief of the IIIrd Army, on his application for it.

Yours sincerely,
(Signed) BERNSTORFF.

No. 142.

*Earl Granville to Baron Brunnow.**

My dear Baron, *December 31, 1870.*

INFORMATION has been sent through Mr. Washburne to M. Jules Favre that he will be furnished, on application to the head-quarters at Versailles, with a safe-conduct to pass the German lines on his way to London.

But it is doubtful whether he can avail himself of that information in time to be in London on the 3rd of January.

It also appears that full instructions have not yet been sent to all the other Plenipotentiaries.

I am, therefore, reluctantly obliged to postpone the meeting of the Conference for a few days.

I trust, however, that by shortening the proposed interval between the first and second sittings of the Conference, delay of any importance may be avoided.

Yours sincerely,
(Signed) GRANVILLE.

No. 143.

Lord Lyons to Earl Granville.—(Received January 1, 1871.)

My Lord, *Bordeaux, December 29, 1870.*

HAVING been made acquainted by your Lordship's telegram of the day before yesterday, with the answer made by Count Bismarck to the application for a safe-conduct for M. Jules Favre, I communicated this morning the substance of that answer to the

* Similar letters were addressed to Count Apponyi, Count Bernstorff, Musurus Pasha, and Chevalier Cadorna.

Comte de Chaudordy. I told him that Count Bismarck had declared that the German authorities would not send any fresh flag of truce until they received satisfaction from the French who had fired on the last which had been sent, but that at the same time his Excellency had informed the North German Ambassador in London that the safe-conduct would be granted as soon as M. Jules Favre should, by French flag of truce, apply for it to the Commander-in-chief of the besieging army.

M. de Chaudordy said that he feared that this refusal of the Prussian authorities to facilitate the attendance of M. Jules Favre at the Conference would, if persisted in, render it impossible for France to take part in the proceedings. It was, he said, very uncertain, particularly in the present state of the weather, whether any despatch which he might send off would reach Paris at all. The very least time which could be allowed for the arrival of a despatch must, at all events, be ten days. An additional delay would be incurred in communicating from Paris with the Prussian head-quarters, and M. Jules Favre's journey from Paris to London could not, under present circumstances, be rapid. It was certain that, as matters now stood, public opinion in this country rendered it impossible that any other Plenipotentiary than M. Jules Favre should represent France, even temporarily, in the Conference. M. de Chaudordy could not but look upon the assertion respecting the firing on the flag of truce as a mere pretext; and he feared that Count Bismarck's answer was simply a device to prevent the attendance of a French Plenipotentiary without giving a direct refusal to the application made for a safe-conduct through Her Majesty's Government. If this were not so the Prussian authorities could hardly refuse to render the presence of M. Jules Favre in proper time possible by sending themselves the information to Paris that he was free to pass their lines. For his own part M. de Chaudordy would forward to Paris, by the surest and quickest means at his disposal, intelligence of the Prussian answer which I had just communicated to him. He must, however, beg me to make Her Majesty's Government aware that they must not count upon its reaching Paris in this way in time to be of use ("en temps utile").

I have already transmitted to your Lordship by telegraph the substance of this despatch.

I have, &c.
(Signed) LYONS.

No. 144.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 1, 1871.

I HAVE informed you by telegraph of the postponement of the Conference for a few days in order to give time for the arrival of the French Plenipotentiary, and for the receipt of their instructions by those of other Powers.

I am, &c.
(Signed) GRANVILLE.

No. 145.

Sir A. Buchanan to Earl Granville.—(Received January 2, 1871.)

My Lord, *St. Petersburgh, December* 21, 1870.

ON the receipt this morning of your Lordship's telegram of yesterday, I informed Prince Gortchakoff that the French Government had decided on sending a Plenipotentiary to the Conference about to meet in London to consider the expediency of revising the stipulations of the Treaty of 1856 relative to the neutrality of the Black Sea.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 146.

Sir A. Buchanan to Earl Granville.—(Received January 2, 1871.)

My Lord, *St. Petersburgh, December* 24, 1870.

WITH reference to your Lordship's telegram of yesterday I have acquainted Prince Gortchakoff with your intention to issue immediately invitations to the Plenipotentiaries

of the Powers who are parties to the Treaty of Peace of 1856 to meet in Conference in London on the 3rd of January next to consider the expediency of revising it.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 147.

Sir A. Buchanan to Earl Granville.—(Received January 2, 1871.)

My Lord, *St. Petersburgh, December 27, 1870.*

PRINCE GORTCHAKOFF mentioned to me this morning that he had just received information that M. Jules Favre would represent France in the Conference about to be held in London, and that a safe-conduct would be granted to him on application being made for it at the military head-quarters of the King of Prussia on the part of Her Majesty's Government.

I said to his Excellency that I had been told a request had been addressed to him some days ago to apply for such a safe-conduct. He said it was true he had been asked to do so; but he had answered that the request must be made through Her Majesty's Government. He had, however, mentioned the subject to the Prussian Minister, and Prince Reuss had since informed him that the safe-conduct would be granted immediately on Her Majesty's Government applying for it.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 148.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January 2, 1871.*

AT an interview which I had with M. Tissot on the 29th ultimo, he communicated to me, by direction of his Government, a despatch dated the 20th of December, from Count de Chaudordy.

In this despatch M. Tissot was informed that the Government remaining in Paris, together with the Delegation at Bordeaux, had decided, as an evidence of the good-will with which they were animated towards those Powers who were desirous of seeing France represented in the Conference, on sending a Plenipotentiary to it; and this decision was stated to have been arrived at mainly in consequence of the urgent desire expressed by Her Majesty's Government upon the subject. After adverting to the peculiar circumstances in which France stands at the present moment, and under which she consents to join the Conference, M. de Chaudordy proceeded to instruct M. Tissot, in communicating the despatch to me, to state that the French Government had recourse to the good offices of Her Majesty's Government in order to obtain from the Prussian head-quarters a safe-conduct for the French Plenipotentiary who was to leave Paris for London.

In thanking M. Tissot for this communication, I stated to him that I fully appreciated the motives of the French Government in sending their representative to the Conference; that I received the information with much satisfaction, and that it would have been painful to me to attend a Conference on a subject of so much importance to both countries, and for which great sacrifices had been made in common, without the co-operation and assistance of a Representative from France.

I am, &c.
(Signed) GRANVILLE.

No. 149.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January 4, 1871.*

I HAVE to state to your Excellency that Count Bernstorff has had the goodness to communicate to me a despatch which his Excellency has received from the Prussian Chancellor, dated the 3rd instant, stating that the supposition that M. Jules Favre was desirous of taking part in the approaching Conference appeared to be founded on some

misunderstanding, for that the United States' Minister has made some inquiry of him upon the subject, and had reported that M. Favre had no knowledge whatever of the Conference, and did not intend to leave Paris.

I am, &c.
(Signed) GRANVILLE.

No. 150.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 4, 1871.

WITH reference to the communication made to me by Count Bernstorff of the telegram received by his Excellency from the Prussian Chancellor, and which was repeated in my telegram to your Excellency of this day, at 12·15 A.M., in regard to a supposed misunderstanding with reference to M. Jules Favre's intention to represent France in the forthcoming Conference, I have to instruct your Excellency, in case the doubt which has been raised should be founded in fact, to urge the French Government to nominate a Plenipotentiary to attend the Conference in the place of M. Jules Favre.

I am informed that Mr. Moran has not yet received any acknowledgment of the receipt of the bag which was dispatched by him from London on the 16th ultimo; and it is, therefore, improbable that I can receive any answer from M. Favre for a considerable time, even if it were likely that he would modify the decision which he is reported to have taken not to leave Paris for this country.

I am, &c.
(Signed) GRANVILLE.

No. 151.

Earl Granville to Lord Bloomfield.

My Lord, *Foreign Office, January* 4, 1871.

I LEARN from the Prussian Head-quarters at Versailles that M. Jules Favre has declined to leave Paris for the purpose of attending the approaching Conference. Under these circumstances I have to request you to urge Count Beust to press the French Government to name a Plenipotentiary without delay to be substituted for M. Jules Favre, as it is desirable that the meeting of the Conference should not be much longer deferred.

I am, &c.
(Signed) GRANVILLE

No. 152.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 5, 1871.

I HAVE inquired of you this day by telegraph on what day it may be expected that the bag which was dispatched from London on the 30th ultimo will be received by the American Minister in Paris.

The bag in question contained a note frem me, written after communication with Count Bernstorff, in which I informed M. Jules Favre, that a safe-conduct to enable him to leave Paris for the purpose of attending the Conference would be granted to him by the Prussian Head-quarters at Versailles; and it is desirable that he should receive this note with the least possible delay. The accounts received from Versailles, and those received from Bordeaux, as to the prospects of M. Jules Favre attending the Conference are contradictory, and I should wish you to inform him, if you can find any means of doing so, that the Conference has not yet met, but that its meeting cannot be much longer delayed.

I am, &c.
(Signed) GRANVILLE.

No. 153.

Earl Granville to Lord Lyons.

(Extract.) *Foreign Office, January 6, 1871.*

AT the present moment, when a doubt has arisen whether, as Her Majesty's Government had reason to hope, the French Government will be enabled to send their Representative to attend the opening of the Conference on the question of the neutralization of the Black Sea, I should wish to recall some of the circumstances attending the discussion which has passed between Her Majesty's Government and the Delegation, in regard to the French nation being represented in the Conference.

It is unnecessary that I should refer to the terms in which I have urged your Excellency to make known to the French Government the earnest desire entertained by that of Her Majesty that France should bear her part in any discussions which might take place upon a question of so much interest to all the Great Powers of Europe; and your Excellency has from time to time informed me of the views entertained by the French Government on this matter.

The objections which have been entertained by the Delegation of the Government to sending a Representative to the Conference have been very frankly stated to your Excellency by Count de Chaudordy, in the various conversations which you have had with him upon this subject.

Yielding, however, ultimately to the earnest wish expressed not only by Her Majesty's Government, but by other Powers who would be represented in the Conference, the Delegation of the Government ultimately gave in their adhesion to the proposal, subject to the assent of the Government at Paris, which Count de Chaudordy engaged to endeavour to obtain; and, on the 26th ultimo, Her Majesty's Government had the satisfaction of receiving your Excellency's telegram of the previous day, in which you reported that the Count de Chaudordy had communicated to you the desire expressed by M. Jules Favre to proceed himself to London to join the Conference; and M. de Chaudordy at the same time requested your Excellency to take steps to obtain, as soon as possible, a safe-conduct for M. Favre, and to request the Prussians to send it themselves into Paris.

The steps which Her Majesty's Government have taken in order to bring about this object have already been made known to your Excellency, and it was therefore with some surprise and disappointment that I received from Count Bernstorff the communication of the telegram from Count Bismarck, which I recorded to your Excellency yesterday, to the effect that the supposition that M. Jules Favre was desirous of taking part in the Conference seemed to be based upon some misunderstanding; for that the American Minister had made inquiries of him and had written to say that M. Favre had no knowledge of the Conference, and did not intend to leave Paris, although the report of your Excellency's communication on this subject, recorded in your telegram of yesterday, would warrant the hope that M. Jules Favre's intentions may have been misunderstood, since it would appear that he was probably in ignorance, at the time when the American Minister made his report, of all that had passed between Her Majesty's Government and the Delegation at Bordeaux in regard to the arrangements for the Conference.

I have already instructed your Excellency to explain to the French Government the reasons for which they so sincerely desired the presence of a French Representative at the Conference, and it is the less necessary for me to recapitulate them here since they have been fully done justice to by the French Government themselves. Her Majesty's Government have all along deemed it of importance to the Provisional Government to be represented at the Conference, and they considered it very essential to the position which France should henceforth hold in Europe to show that, even at a time of temporary defeat, she has not lost her interest in questions of European importance, and particularly in one in which she herself is so closely concerned; and that she should bear in mind that although engaged in a fearful struggle, she is still the most powerful maritime power of the Continent.

I should not have consented to enter the Conference unless France had been invited to attend; I took care to assure myself that her Representative would be treated with all the respect due to the Representative of a great nation; and I shall now take every care that any decision which may be come to, either in the form of a Declaration, or a Protocol, or a Convention, shall be left open for the ultimate adhesion of France, and I shall make a point of communicating with the Representative of France in London before and after each sitting of the Conference.

No. 154.

Lord Lyons to Earl Granville.—(Received January 7, 1871.)

My Lord, *Bordeaux, December 31, 1870.*

THE Comte de Chaudordy told me this morning that he had forwarded to Paris by the most expeditious means at his disposal the intelligence that the Prussian authorities declined to send a flag of truce to Paris, but would grant M. Jules Favre a safe-conduct to go to the Conference if he would apply for one to the Commander-in-chief of the besieging army. He went on to say that, unfortunately, little dependence could be placed upon his despatch's reaching M. Jules Favre in any reasonable time. He added that he had, however, received a telegram from M. Tissot stating that your Lordship had agreed with him upon making an endeavour to induce the Prussian authorities to send some French officer to Paris with the announcement of the safe-conduct, and that you had said that, this failing, you would request the Prussians to forward through the United States' Legation a letter which you would write to M. Jules Favre.

Upon this I informed M. de Chaudordy that it appeared from a telegram which had just reached me from your Lordship that a letter had been sent on the 28th instant from Versailles to Paris, by means of the United States' Legation, announcing that M. Jules Favre would obtain a safe-conduct on applying to the Commander of the Third German Army.

At the time, M. de Chaudordy said little more than that he feared that, if the latter so sent proceeded only from the Prussian authorities it might not be read with perfect confidence, and that he should be glad that a letter from your Lordship should also be sent.

Later however in the day he came to me and observed that it certainly did appear from the letters having been sent from Versailles, that Count Bismarck was in earnest in desiring to enable M. Jules Favre to attend the Conference. This being so, there could, he said, be no reason to doubt that M. Jules Favre would arrive in time to take his proper share, as French Plenipotentiary, in the proceedings, if only a reasonable delay were allowed. It could not be intended that the French Government, having been invited to the Conference, and having done what lay in them to send one of their principal Members to represent France, the proceedings should be carried on in his absence. This would not be giving France a serious part in the matter. M. de Chaudordy must, therefore, beg me to represent to your Lordship that it was hardly possible that M. Favre could under the most favourable circumstances reach London by the 3rd of next month. It seemed, therefore, to be only proper that the first meeting of the Conference should be postponed until his arrival; or that if, in consequence of arrangements already made, an absolute postponement should be very inconvenient, the Plenipotentiaries should only assemble *pro formâ*, and should adjourn to wait for the French Representative.

He begged me to lose no time in making an earnest appeal in this sense to your Lordship; and I accordingly dispatched a telegram to you directly he left me.

I have, &c.

(Signed) LYONS.

No. 155.

Lord Lyons to Earl Granville.—(Received January 7.)

My Lord, *Bordeaux, January 3, 1871.*

THE Comte de Chaudordy expressed to me yesterday the satisfaction with which he had learned that the opening of the Conference was to be postponed for some days, so as to give time for the arrival of the French Plenipotentiary. He told me also that he had been very glad to hear from M. Tissot that your Lordship had yourself addressed a letter to M. Jules Favre, to be sent to Paris through the United States' Legation. The effect of a letter from your Lordship would, he said, be very different from that which could be produced by any communication from Count Bismarck.

M. de Chaudordy proceeded to inform me that he had received a letter from M. Jules Favre dated the 30th of last month, but that it did not make any mention of a letter having been received from the Prussian head-quarters. It would seem therefore, he added, that the letter which had, according to Count Bismarck's statement, been sent into Paris on the 28th ultimo, had not reached M. Jules Favre on the 30th.

I have, &c.

(Signed) LYONS.

No. 156.

Lord Bloomfield to Earl Granville.—(Received January 9.)

My Lord, *Vienna, January 5, 1871.*

UPON the receipt of your Lordship's telegram, dated yesterday 7 30 P.M., I immediately communicated to Count Beust the intelligence that M. Jules Favre declines leaving Paris, and requested his Excellency, in the name of Her Majesty's Government, to press the French Government to name another Plenipotentiary in his place to attend the Conference about to be opened in London.

I have since had an interview with his Excellency, when he told me that he had lost no time in telegraphing to Prince Metternich in the sense desired by your Lordship.

I have, &c.

(Signed) BLOOMFIELD.

No. 157.

Lord Lyons to Earl Granville.—(Received January 10.)

My Lord, *Bordeaux, January 4, 1870.*

I HAD this afternoon the honour to receive your Lordship's telegram of to-day, informing me that it appeared from a telegram addressed by Count Bismarck to the Prussian Ambassador in London, that, in answer to a question put to him by Mr. Washburne, the United States' Minister at Paris, M. Jules Favre had said that he knew nothing of the Conference, and did not intend to quit the city.

I went immediately to Comte de Chaudordy, and asked him what the answer thus attributed to M. Jules Favre could mean.

M. de Chaudordy replied that he did not know under what circumstances Mr. Washburne had spoken to M. Jules Favre, but that it was evident that he must have appeared more or less as the Representative of Count Bismarck, and that this being the case, it was only natural that M. Favre should be extremely reserved with him. It was, moreover (M. de Chaudordy went on to say) quite true that at the time Mr. Washburne spoke, M. Favre had very little knowledge of the details respecting the Conference. The latest news from Paris which had been received at Bordeaux was of the 30th December, and on that day nothing had reached Paris from the Government Delegation here of later date than the 12th December. At the time, therefore, of his conversation with Mr. Washburne, M. Favre was in all probability ignorant of the time and place at which it was proposed that the Conference should meet, and did not know that it had been ascertained that France had been properly invited to take part in it, and that her Representative would be received on the same footing as the Plenipotentiaries of the other Powers. Nay, M. Favre could not at that moment have even known that it had been decided that he should himself be the French Plenipotentiary. After explaining his views, he had left this to be determined by the Delegation here, and they, after agreeing that his presence at the Conference would be advisable, had announced his appointment, in virtue of the authority he had given them, to the foreign Powers, and had used such means as they had at their disposal to inform M. Jules Favre as soon as possible of what they had done. M. de Chaudordy had himself written repeatedly to him on the subject, but (as he had already told me) nothing of later date than the 12th of last month had reached Paris on the 30th.

M. de Chaudordy proceeded to observe that M. Jules Favre, after all that had occurred, could not help looking with great distrust on any communication coming directly or indirectly from Count Bismarck; and had, moreover, a strong disinclination to apply to the Prussian Head-quarters for a safe-conduct. It was, therefore, simply prudent on his part to decline to open himself to Mr. Washburne, who had, it would appear, addressed him on behalf of the Prussian authorities.

I said to M. de Chaudordy that I presumed that all difficulty respecting the safe-conduct had been got over, as your Lordship had yourself applied for it through the North German Ambassador in London, and had been informed that the Prussians (for reasons entirely unconnected with the Conference) were unwilling to send a flag of truce to the French outposts, but would grant the safe-conduct if a French flag of truce were sent for it.

M. de Chaudordy answered that he was informed by M. Tissot that your Lordship had yourself written a letter to M. Jules Favre to be sent into Paris by means of the

United States' Legation; and he added that he was confident that this letter, coming directly from your Lordship to M. Jules Favre, would remove all difficulty.

I have, &c.
(Signed) LYONS.

No. 158.

Lord Lyons to Earl Granville.—(Received January 10.)

My Lord, *Bordeaux, January 5*, 1871.

IN execution of the instruction conveyed to me by your Lordship's telegram of yesterday, I told the Comte de Chaudordy, this afternoon, that in consequence of the statement which M. Jules Favre was reported to have made to Mr. Washburne, that he declined to leave Paris, your Lordship had desired me to urge the Government here to appoint a new Plenipotentiary in his stead without delay.

M. de Chaudordy answered, that it was not in the power of the Delegation at Bordeaux to do this. In virtue of the authority given to them in the matter by M. Favre himself, and the Government at Paris, they had announced his appointment to the foreign Powers, and had written to inform him of what they had done. There could be no doubt that, as soon as he received the communications dispatched to him hence, or the letter which your Lordship had written to him, he would proceed to London to take part in the Conference. The Delegation here had neither the right to make any change, nor any speedier or surer means of communicating with M. Favre, than those they had employed to inform him of the appointment; and, therefore, even if they were able to appoint a fresh Plenipotentiary (which in fact they had neither the power nor the desire to do), they would have no certainty of being able to make their having done so known to M. Favre, in time to prevent his setting out for London.

M. de Chaudordy went on to say, that he was fully sensible of the friendly consideration which your Lordship had already shown in the matter of M. Favre's appointment, and that he rightly appreciated the pains you had been good enough to take with a view to facilitate his journey, and to avoid opening the Conference without him. He could assure me that, on his own part, he had written repeatedly to M. Favre, and had made every possible endeavour to get his letters safely and speedily into Paris. The Delegation here had used, and was using, every possible means of sending intelligence to M. Favre; and, indeed, M. Gambetta in particular, had dispatched letters to him in no less than fifteen different ways.

M. de Chaudordy said, in conclusion, that he sincerely regretted the inconvenience to which he feared your Lordship was put by the delay; but that he felt sure you would make allowance for difficulties in communicating with Paris, for which the will of the Delegation was certainly not responsible. And he would earnestly beg your Lordship to avail yourself of such means as were at your disposal, to make M. Favre speedily acquainted with the real state of things respecting the Conference.

I have, &c.
(Signed) LYONS.

No. 159.

*Earl Granville to Musurus Pasha.**

M. l'Ambassadeur, *Foreign Office, January 12*, 1871.

I HAVE the honour to acquaint your Excellency that I shall be happy to receive you at the Foreign Office on Tuesday next, the 17th instant, at 1 o'clock, to confer with the Representatives of the other Powers, parties to the Treaty signed at Paris on the 30th of March, 1856, respecting certain matters stipulated in that Treaty with respect to the neutralization of the Black Sea.

I am, &c.
(Signed) GRANVILLE.

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* Similar letters were addressed to Count Apponyi, Baron Brunnow, Count Bernstorff, and the Chevalier de Cadorna.

No. 160.

Earl Granville to M. Tissot.

M. le Chargé d'Affaires, *Foreign Office, January* 12, 1871.

I HAVE the honour to acquaint you that I have severally invited the Plenipotentiaries of Austria, Italy, Prussia, Russia, and Turkey, now in this country, to meet at the Foreign Office on Tuesday next, the 17th instant, at 1 o'clock, to confer with the Representatives of the other Powers, parties to the Treaty signed at Paris on the 30th of March, 1856, respecting certain matters stipulated in that Treaty with respect to the neutralization of the Black Sea; and I trust that by that day a Plenipotentiary of the Government of National Defence, will be prepared to meet the Plenipotentiaries of the other Powers in Conference on that subject.

I am, &c.
(Signed) GRANVILLE.

No. 161.

Mr. Odo Russell to Earl Granville.—(Received January 13.)

(Extract.) *Versailles, January* 3, 1871.

WHILE we were speaking, a letter came in from Mr. Washburne, the United States' Minister at Paris, stating that he had informed M. Jules Favre that he could have a safe-conduct to leave Paris and attend the Conferences in London, but that M. Favre had declined both to leave his colleagues and attend the Conferences under present circumstances.

Count Bismarck said he hoped another French Plenipotentiary would be speedily appointed, or the Protocols left open for the future consideration of the French Government, but that the meeting of the Conference would not suffer further delay.

No. 162.

Musurus Pasha to Earl Granville.—(Received January 13.)

Ambassade Impériale Ottomane, Londres,
My Lord, *le* 13 *Janvier*, 1871.

J'AI eu l'honneur de recevoir la lettre que votre Excellence a bien voulu m'adresser en date d'hier, et je ne manquerai pas de me rendre au Foreign Office, Mardi prochain, le 17 de ce mois, à 1 heure de l'après-midi, pour conférer avec les Représentants des autres Puissances signataires du Traité de Paris du 30 Mars, 1856, sur certaines points de ce Traité relatifs à la neutralisation de la Mer Noire.

Je saisis, &c.
(Signé) MUSURUS.

(Translation.

Imperial Ottoman Embassy,
My Lord, *London, January* 13, 1871.

I HAVE had the honour to receive the letter which your Excellency addressed to me yesterday, and I shall not fail to attend at the Foreign Office on Tuesday next the 17th instant at 1 o'clock to confer with the Representatives of the other Powers signataries of the Treaty of Paris of the 30th of March, 1856, on certain points of that Treaty relative to the neutralization of the Black Sea.

I avail, &c.
(Signed) MUSURUS.

No. 163.

Count Apponyi to Earl Granville.—(*Received January* 14.)

M. le Comte, *Londres, le* 13 *Janvier,* 1871.

CONFORMEMENT à l'invitation contenue dans votre note en date d'hier, j'aurai l'honneur de me rendre au Foreign Office, Mardi, le 17 du courant, à 1 heure, pour y conférer avec les Représentants des autres Puissances signataires du Traité du 30 Mars, 1856, sur certaines stipulations de ce Traité relatives à la neutralisation de la Mer Noire.

Je saisis, &c.
(Signé) APPONYI.

(Translation.)

My Lord, *London, January* 13, 1871.

IN conformity with the invitation contained in your note of yesterday, I shall have the honour of attending at the Foreign Office on Tuesday the 17th instant at 1 o'clock, to confer with the Representatives of the other Powers signataries of the Treaty of the 30th of March, 1856, upon certain stipulations of that Treaty relative to the neutralization of the Black Sea.

Accept, &c.
(Signed) APPONYI.

No. 164.

Baron Brunnow to Earl Granville.—(*Received January* 14.)

M. le Comte, *Londres, le* $\frac{1}{13}$ *Janvier,* 1871.

J'AI l'honneur d'accuser réception de la note en date du 12 Janvier, par laquelle votre Excellence a bien voulu m'inviter à me rendre à la Conférence qui sera tenue au Foreign Office, Mardi, le 17 Janvier, à 1 heure après midi.

Conformément aux instructions de ma Cour je me ferai un devoir de prendre part à cette réunion à l'heure indiquée.

Veuillez, &c.
(Signé) BRUNNOW.

(Translation.)

My Lord, *London, January* $\frac{1}{13}$, 1871.

I HAVE the honour to ackowledge the receipt of your note dated the 12th of January, in which your Excellency has invited me to attend the Conference to be held at the Foreign Office on Tuesday the 17th of January at 1 o'clock.

In conformity with the instructions of my Court I shall have the honour of attending this meeting at the hour mentioned.

I have, &c.
(Signed) BRUNNOW.

No. 165.

Count Bernstorff to Earl Granville.—(*Received January* 14.)

(Translation.)

My Lord, *Prussia House, January* 13, 1871.

I HAVE the honour to acknowledge the receipt of your despatch of yesterday's date, and at the same time to acquaint you that I will not fail to appear at the Foreign Office on Wednesday next the 17th instant at 1 o'clock.

I have, &c.
(Signed) BERNSTORFF.

No. 166.

The Chevalier Cadorna to Earl Granville.—(Received January 14.)

M. le Comte, 20, *Hill Street, Berkeley Square, le* 13 *Janvier*, 1871.

JE me fais un devoir de vous accuser réception de votre note en date d'hier par laquelle vous m'avez fait l'honneur de me prévenir que vous voudrez bien me recevoir le Mardi prochain, le 17 courant, à 1 heure après midi, au Foreign Office, pour conférer avec les Représentants des autres Puissances signataires du Traité de Paris du 30 Mars, 1856, sur certaines matières stipulées dans le dit Traité au sujet de la neutralisation de la Mer Noire.

Je m'empresse de porter à votre connaissance, M. le Comte, que j'aurai l'honneur de m'y rendre dans ma qualité de Plénipotentiaire de Sa Majesté le Roi d'Italie.

J'ai, &c.

(Signé) C. CADORNA.

(Translation.)

My Lord, 20, *Hill Street, Berkeley Square, January* 13, 1871.

I BEG to acknowledge the receipt of your note dated yesterday, in which you do me the honour of informing me that you will receive me at the Foreign Office on Tuesday, the 17th instant, at 1 o'clock to confer with the Representatives of the other Powers signataries of the Treaty of Paris of the 30th of March, 1856, on certain matters stipulated in the said Treaty on the subject of the neutralization of the Black Sea.

I hasten to inform your Lordship that I shall have the honour of attending in my capacity as Plenipotentiary of His Majesty the King of Italy.

I have, &c.

(Signed) C. CADORNA.

No. 167.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 15, 1871.

M. JULES FAVRE, acting doubtless under the influence of honourable motives, would seem to be unwilling to leave Paris at the present time; but after the appeal which has been made to me by the Porte and other Powers deprecating any further delay in the meeting of the Conference, I feel myself unable to postpone it.

Your Excellency will state this to M. de Chaudordy, and again press for authority being sent to M. Tissot to take part in the Conference.

I am, &c.

(Signed) GRANVILLE.

No. 168.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 15, 1871.

IT would appear from your Excellency's telegram of last night that M. de Chaudordy has at last heard from M. Favre, who is prepared to come out of Paris to take part in the Conference, although averse to making any direct application to the Prussian authorities for a safe-conduct, which, however, he thinks he may perhaps obtain through the intervention of the United States' Minister; and under those circumstances M. de Chaudordy suggests that the meeting of the Conference fixed for the 17th instant should be postponed.

Upon consultation, however, with the Austrian and Turkish Representatives, we have come to the conclusion, and being aware of the opinion of the others, that it would be inexpedient to defer the first meeting of the Conference, which has been so long delayed, beyond the day at present fixed for it to be held, although no specific questions relating to the provisions of the Treaty of 1856 will be dealt with on that day.

Her Majesty's Government hope that before the second meeting M. Favre will arrive, and that he will not allow any point of form as to the safe-conduct which has been offered to him to interfere with his arrival.

But much misconstruction would be obviated if M. Tissot were authorized to attend the Conference on the first day of its meeting.

I am, &c.
(Signed) GRANVILLE.

No. 169.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 15, 1871.

FROM a telegram that I received from Lord Lyons yesterday evening, I cannot but conclude that the difficulty which has been raised, both at Versailles and in Paris, in regard to a safe-conduct for M. Jules Favre to come out of Paris, and to attend the Conference, is substantially a matter of form, and that either party, if desirous of doing so, might easily overcome it.

I am, &c.
(Signed) GRANVILLE.

No. 170.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 16, 1871.

THE Austrian and Turkish Plenipotentiaries to the Conference, whom I have consulted as to the date which we should fix for the first meeting, are of opinion that, considering that it has already been delayed so long, it would be very undesirable that it should be further postponed beyond the 17th instant; and, in this opinion, which had already been stated to me by the other Plenipotentiaries, I fully concur. The first meeting will, therefore, be fixed for that day; but it has been decided to confine ourselves to the discussion of general principles, and to reserve for future meetings the discussion of specific questions respecting the provisions of the Treaty of Paris of 1856. It is much to be desired that M. Jules Favre may arrive in this country in time to take his seat at the second meeting, and I should wish you to take any opportunity that may present itself of urging him not to allow any mere point of form as to the safe-conduct which may be granted to him to delay his departure from Paris.

Under any circumstances it would be desirable that M. Tissot should be present at the first meeting, as his absence might give rise to misconstructions which it would be most desirable to obviate.

I am, &c.
(Signed) GRANVILLE.

No. 171.

M. Jules Favre to Earl Granville.—(Received January 17.)

M. le Comte, *Paris, le* 10 *Janvier*, 1871.

JE reçois seulement aujourd'hui, 10 Janvier, à 9 heures du soir, par l'intermédiaire de M. le Ministre des Etats-Unis, la lettre que votre Excellence m'a fait l'honneur de m'écrire le 29 Décembre dernier, et par laquelle elle veut bien m'annoncer qu'elle a prié M. le Comte de Bernstorff de faire tenir à ma disposition le sauf-conduit qui m'est nécessaire pour franchir les lignes Prussiennes, et assister, comme Représentant de la France, à la Conférence qui doit s'ouvrir à Londres.

Je remercie votre Excellence de cette communication et de l'obligeance qu'elle a mise à me faciliter l'accomplissement du devoir qui m'est imposé.

Il m'est, toutefois, difficile de m'éloigner immédiatement de Paris, qui, depuis huit jours, est livré aux horreurs d'un bombardement exécuté sur sa population inoffensive, sans l'avertissement usité dans le droit des gens. Je ne me sens pas le droit d'abandonner mes concitoyens au moment où ils sont victimes de cette violence.

D'ailleurs, les communications entre Paris et Londres sont, par le fait du Commandant-en-chef de l'armée assiégeante, si lentes et si incertaines que je ne puis, malgré mon bon vouloir, répondre à votre appel dans les termes de votre dépêche.

Vous vouliez bien me faire connaître que la Conférence se réunirait, le 3 Janvier, puis s'ajournerait probablement à une semaine.

Prévenu le 10 au soir, je ne pouvais profiter de votre invitation en temps opportun. De plus, en me la faisant parvenir, M. le Comte de Bismarck n'y a pas joint un sauf-conduit cependant indispensable. Il demande qu'un officier Français se rende au quartier-général Prussien pour le chercher, se prévalant de réclamations qu'il aurait adressées à M. le Gouverneur de Paris à l'occasion d'un fait dont un parlementaire aurait eu à se plaindre le 23 Décembre; et M. le Comte de Bismarck ajoute que, jusqu'à ce que satisfaction lui ait été donnée, le Commandant en chef Prussien interdit toute communication par parlementaire.

Je n'examine point si une pareille résolution, contraire aux lois de la guerre, ne serait pas la négation absolue des droits supérieurs que la nécessité et l'humanité ont toujours fait maintenir au profit des belligérants. Je me contente de faire remarquer à votre Excellence que M. le Gouverneur de Paris s'est empressé d'ordonner une enquête sur le fait relevé par M. le Comte de Bismarck, et, en le lui annonçant, il a porté à sa connaissance des faits de même nature beaucoup plus nombreux imputables à des sentinelles Prussiennes, sur lesquels cependant il n'avait jamais songé à s'appuyer pour interrompre les échanges de relations ordinaires.

M. le Comte de Bismarck semble avoir admis, en partie au moins, la justesse de ces observations, puisque, aujourd'hui même, il charge M. le Ministre des Etats Unis de me faire savoir que, sous la réserve d'enquêtes respectives, il rétablit les relations par parlementaires.

Il n'y a donc plus aucune nécessité à ce qu'un officier Français se rende au quartier-général Prussien, et je vais entrer en communication avec M. le Ministre des Etats Unis pour me faire remettre le sauf-conduit que vous avez bien voulu obtenir.

Dès que j'aurai cette pièce entre les mains et que la situation de Paris me le permettra, je prendrai la route de Londres, sûr, à l'avance, de ne pas invoquer en vain, au nom de mon Gouvernement, les principes de droit et de morale que l'Europe a un si grand intérêt à faire respecter.

Veuillez, &c.
(Signé) JULES FAVRE.

(Translation.)

My Lord, *Paris, January* 10, 1871.

I HAVE only received to-day, the 10th of January, at 9 o'clock in the evening, through the Minister of the United States, the letter which your Excellency did me the honour of addressing to me on the 29th of December last, and in which you announce to me that you have requested Count Bernstorff to cause to be placed at my disposal the safe-conduct necessary to enable me to pass the Prussian lines, and to attend as the Representative of France the Conference which is about to be opened at London.

I thank your Excellency for this communication and for the care you have taken to enable me to carry out the duty which has been assigned to me.

It is, however, difficult for me to absent myself at this moment from Paris, which for the last eight days has been a prey to the horrors of a bombardment commenced on its inoffensive population without the notice which it is usual, according to the law of nations, to give. I feel I have no right to abandon my fellow-citizens at the time when they are the victims of this outrage.

Besides this, the communications between Paris and London have been made by the Commander-in-chief of the besieging army so slow and uncertain, that I cannot, in spite of every wish on my part to do, answer your appeal in the terms of your despatch.

You were so good to inform me that the Conference would meet on the 3rd of January and would probably adjourn for a week.

Having received this intimation on the 10th in the evening, I was too late to avail myself of your invitation. Besides this, in transmitting it to me, Count Bismarck sent no safe-conduct, which is indispensable. He demands that a French officer shall present himself at the Prussian head-quarters to fetch it, taking advantage of complaints he made to the Governor of Paris on the occasion of an incident of which a Parlementaire had cause for complaint on the 23rd of December; and Count Bismarck adds, that until he receives satisfaction for this, the Prussian Commander-in-Chief forbids all communications through parlementaires.

I do not examine if such a resolution, contrary to the laws of war, would not be an absolute denial of the superior rights that necessity and humanity have always upheld to the benefit of belligerents. I content myself with remarking to your Excellency that the Governor of Paris hastened to order an investigation into the incident noticed by Count

Bismarck, and in announcing this to him, he mentioned to him occurrences of the same nature but much more frequent ascribed to Prussian sentinels, of which, however, he had never dreamt of availing himself to interrupt the exchange of ordinary relations.

Count Bismarck seems to have admitted, partly at least, the justice of these observations, for to-day he commissions the Minister of the United States to let me know that, subject to respective investigations, he re-establishes communications through parlementaires.

There is no longer, therefore, any necessity for a French officer presenting himself at Prussian head-quarters, and I am about to enter into communication with the Minister of the United States with a view to obtaining the safe-conduct that you have been so good as to obtain for me.

As soon as that document is in my hands, and the situation of Paris will permit me to do so, I shall start for London, feeling certain beforehand that I shall not invoke in vain, in the name of my Government, the principles of law and morality which Europe has so great an interest in causing to be respected.

I have, &c.
(Signed) JULES FAVRE.

No. 172.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 17, 1871.

I SHOULD wish you, if you can find any means of communicating with M. Jules Favre, to convey to him my thanks for his note of the 10th instant. It was a subject of regret to me that no French Plenipotentiary was present at the meeting of the Conference which took place to-day. You might, however, inform him that at that meeting we confined ourselves to discussing the general question of international law, and that we reserved the discussion of the Articles of the Treaty until we should meet again. We decided to postpone the next meeting till the 24th instant, in the hope that by that day M. Jules Favre might either be able himself to be present as French Plenipotentiary, or might appoint a substitute to represent France in his stead.

M. Tissot has been duly informed of all that took place at to-day's meeting.

I am, &c.
(Signed) GRANVILLE.

No. 173.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 17, 1871.

FROM my late despatches on the subject your Excellency will have understood that it would not have been possible for me to resist the unanimous opinion of the Plenipotentiaries who are to take part in the Conference, against further delay, even if I had not myself agreed with them upon this point.

I have now to inform your Excellency that the opening meeting took place to-day, and, in the absence of any Representative of France, I have made M. Tissot acquainted with all that passed at this meeting.

It was arranged that any discussion in regard to the Articles of the Treaty of 1856 should be reserved until the next meeting of the Conference, which has been fixed for the 24th instant, in the hope that M. Favre may by that time be able to be present and join in its deliberations; or, if not, that he will appoint some other Representative in his place.

I have received a letter dated the 10th instant from M. Favre, who it appears was at that time still unwilling to leave Paris for this country.

I am, &c.
(Signed) GRANVILLE.

No. 174.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 17, 1871.

M. TISSOT placed in my hands this day the letter from M. Jules Favre of which I inclose a copy,* in reply to the one which I addressed to him on the 29th of December.

I told M. Tissot that I had to thank M. Favre for his letter, but that I could not agree with M. de Chaudordy in thinking that M. Favre was ready to leave Paris. The inference I drew from his letter was that there was no chance of our being able to reckon on his arrival at any definite date.

I appreciated, I said, the honourable reasons of his reluctance to leave Paris, but I did not understand the impossibility of finding any other Representative of France to attend a Conference of which the French Government approved, and at which they acknowledged it would be advantageous for France for her Representative to be present.

I added that I had fixed the next meeting of the Conference for the 24th instant, after some opposition, in the hope of M. Favre changing his mind or appointing some substitute.

I added that the French Government must be aware, from all that had passed between them and Her Majesty's Government, how anxious the latter were to have the assistance and co-operation of a Representative of France.

I am, &c.
(Signed) GRANVILLE.

No. 175.

Earl Granville to Lord Lyons.

Sir, *Foreign Office, January* 18, 1871.

M. TISSOT was good enough to inform me, at an interview which I had with him on the 16th instant, that he had received a telegram from Count de Chaudordy dated the previous day, which stated that a messenger would shortly arrive in London with the answer of M. Favre to my letter of the 29th ultimo, which letter had reached M. Favre through the United States' Legation:

That M. Favre was about to ascertain if it were possible to obtain through Mr. Washburne the safe-conduct which had been announced to him, and which did not accompany his communication from the United States' Legation:

That Count Bismarck had raised certain difficulties in regard to any communication with this object, and that it resulted from inquiries instituted by M. Favre that Count Bismarck's complaints were not substantiated, that this result had been communicated to Versailles, and that on the 10th instant Count Bismarck announced that he would resume intercourse.

The telegram went on to say that the delay which had thus arisen could in no way be laid to the charge of the French Government, and M. Tissot was instructed, in consequence, to beg Lord Granville to postpone the Conference, seeing the delays which had occurred in the necessary communication for M. Favre's safe-conduct.

In thanking M. Tissot for the above communication, I informed him of the answer which I had already returned through your Excellency to the Government at Bordeaux, on the question of the postponement of the Conference.

I am, &c.
(Signed) GRANVILLE.

No. 176.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 18, 1871.

IN an interview which I had with M. Tissot on the 16th instant he was good enough to communicate to me the purport of a telegram which he had received from his Government dated the previous day.

The telegram stated that despatches had on that day been received by the Delegate

* No. 171.

Government at Bordeaux from M. Jules Favre, dated the 9th instant, and in which he declared his readiness to proceed to London so soon as he should have received his invitation to the Conference and the necessary safe-conduct. In these despatches M. Favre made no allusion whatever to the conversation reported to have taken place between himself and the United States' Minister, which, the telegram went on to say, would appear to throw a doubt upon the reality of this occurrence, but, in any case, it would not bear the interpretation which Count Bismarck assigned to it; and, as regards M. Favre's alleged refusal to leave Paris, the telegram observes that it was not founded in fact.

The Bordeaux Government had, it appears, received a solemn protest against the bombardment of Paris, the whole result of which, it was represented, could only be the slaughter of women and children and the destruction of public buildings and monuments; and M. Tissot was instructed to represent that this bombardment is an act of barbarism which should arouse the indignation of every civilized Power.

In reply to the above communication I pointed out to M. Tissot, with reference to Count de Chaudordy's observations on the absence of any allusion by M. Favre to his reported conversation with the American Minister, that if M. Favre made no such allusion to this conversation, the inference which M. de Chaudordy draws can only be considered as a surmise.

In regard to the protest against the bombardment of Paris, I assured M. Tissot that I would not fail to lay before my colleagues his observations.

I am, &c.
(Signed) GRANVILLE.

No. 177.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 18, 1871.

I AM informed by Mr. Odo Russell that M. Jules Favre applied a few days ago to Count Bismarck for a safe-conduct to enable his wife, children, and family relations to pass out of Paris through the Prussian lines, adding that he had no right to ask for one for himself.

I have, &c
(Signed) GRANVILLE.

No. 178.

Earl Granville to Mr. Odo Russell.

(Extract.) *Foreign Office, January* 18, 1871.

I HAVE to request you to state to Count Bismarck that Her Majesty's Government hope that the Prussian authorities will, as far as they are concerned, give every facility that may be required to enable M. Jules Favre to leave Paris for the purpose of coming to this country to attend the Conference.

No. 179.

Lord Lyons to Earl Granville.—(Received January 19.)

My Lord, *Bordeaux, January* 13, 1871.

THE Comte de Chaudordy told me this afternoon that he could speak to me with precision respecting M. Jules Favre's views with regard to the Conference, as he had a letter from him on the subject of as late a date as the 9th instant.

M. Jules Favre had not, he said, up to that date received the letter which your Lordship had dispatched to him from London on the 30th ultimo, nor any other communication from your Lordship. It was to be presumed also that he had not received the letter stated to have been sent to him from the Prussian head-quarters on the 28th ultimo, to inform him that he would obtain a safe-conduct on applying for one to the General in command of the Third Army. Certainly he made no allusion to any such document. He was however, when he wrote, in possession of the despatch

which M. de Chaudordy had written to him from Bordeaux, to inform him that the Prussian authorities declined to send the safe-conduct to him themselves, on the plea that their last flag of truce had been fired upon, and no satisfaction yet given to them. This M. Favre considered to be a mere futile pretext. He informed M. de Chaudordy that, in consequence of the complaints made by the Prussians, the French military authorities had caused a searching inquiry to be made, the result of which had been to show that the French had far more reason than the Prussians had to complain of the flags of truce having been fired upon. The record of this inquiry had, he wrote, been forwarded to the Prussian authorities, but the negotiation had not yet led to a formal resumption of communications by flag of truce.

M. de Chaudordy went on to say that M. Jules Favre persevered in his determination not to apply himself to the Prussians for a safe-conduct, but suggested that one might be obtained for him and forwarded to him through the United States' Legation.

Finally, M. Favre expressed his willingness to accept the office of Plenipotentiary to the Conference, notwithstanding the difficulty of the task imposed upon him, and expressed his concurrence in the steps taken by the Delegation, here with respect to his appointment. He was in fact, M. de Chaudordy said, prepared to set out for London as soon as he should receive a safe-conduct.

M. de Chaudordy told me, in conclusion, that M. Favre's letter contained an affecting and indignant protest against the bombardment of Paris, and that a powerful appeal to Europe against this cruel proceeding had been signed by the Government at Paris, and could be confirmed and published by the Delegation here.

I have already had the honour to communicate to your Lordship by telegraph the substance of the present despatch.

I have, &c.
(Signed) LYONS.

No. 180.

Lord Lyons to Earl Granville.—(Received January 19.)

My Lord, *Bordeaux, January 14, 1871.*

YOUR Lordship's telegram of the day before yesterday, informing me that you had fixed the 17th instant for the opening of the Conference, reached me late last night; and I went this morning to speak to the Comte de Chaudordy on the subject.

He began the conversation by informing me that, since he had seen me the day before, he had received a despatch from M. Jules Favre, announcing the receipt of the letter your Lordship had written to him and inclosing the answer to it. He proceeded to tell me that your letter had reached M. Favre at half-past 9 o'clock on the evening of the 10th instant, but that no safe-conduct had accompanied it. He said that it appeared that the negotiations between the French and Prussian head-quarters respecting a return to the regular mode of communication by flag of truce, had not yet been brought to a conclusion. He added, however, that M. Favre expressed his intention to endeavour to come to an understanding with the United States' Legation, so as to obtain a safe-conduct by means of that Legation.

Upon this I informed M. de Chaudordy that your Lordship had been much pressed to fix a day for the opening of the Conference, but that you had persistently declined to do so until you should know that your letter to M. Jules Favre had arrived at its destination. You had now, however, I said, been assured that your letter had reached Paris on the 9th instant, and you had consequently summoned the Conference for the 17th instant, having fixed that date in order to give time to M. Favre to arrive, if he were disposed to come.

M. de Chaudordy answered that, even if your Lordship's letter had reached Paris on the 9th as you had supposed, and if the difficulties about the safe-conduct had not existed, it would hardly have been possible for M. Favre to get to London by the 17th. Since, however, your Lordship's letter had not in fact come into M. Favre's hands until late in the evening of the 10th, and no arrangement had been made about the safe-conduct, it was materially impossible that he could arrive on the day now fixed for the opening of the Conference. It was to be hoped, therefore, that a further postponement would be made.

Hereupon I mentioned to M. de Chaudordy that the Austrian Government had conferred full powers upon Count Szecsen, in order to enable him to take the place of the regular Plenipotentiary in Conference in case of need. I proceeded, in obedience to your Lord-

ship's instructions, to urge M. de Chaudordy to adopt a similar course, and I pointed ou to him the advantages of making some provision for the not improbable case of M. Jules Favre's being unable to arrive in time for the opening.

M. de Chaudordy at once declared this to be wholly out of the question. M. Jules Favre had, he said, agreed to undertake the office of Plenipotentiary, and the Delegation here had no power to substitute any other person for him, even temporarily.

M. de Chaudordy said, in conclusion, that he should at once telegraph to M. Tissot the substance of M. Favre's answer to your Lordship's letter, and should at the same time desire him to ask for a further postponement of the Conference.

I have already sent to your Lordship by telegraph the substance of the foregoing part of this despatch. I have since learnt from the Russian Chargé d'Affaires that, this afternoon, in pursuance of instructions from St. Petersburgh, he also pressed upon the Comte de Chaudordy the importance of appointing a Plenipotentiary to act in M. Jules Favre's absence, but that M. de Chaudordy declared positively to him that it was impossible to do so.

I have, &c.
(Signed) LYONS.

No. 181.

Lord Lyons to Earl Granville.—(Received January 19.)

My Lord, *Bordeaux, January* 16, 1871.

THE Comte de Chaudordy told me this morning that he had received no further intelligence from Paris since he had spoken to me the day before yesterday.

He said that he concluded from the tenor of M. Jules Favre's despatches that he could never have received the letter stated to have been sent by the Prussian authorities from Versailles on the 28th ultimo, through the United States' Legation, to inform him that he would obtain a safe-conduct on application to the General Commanding the Third Army. At all events, M. Favre had, M. de Chaudordy said, never in writing to him made the slightest allusion to any letter of the kind, nor had he made any mention whatever of the conversation with Mr. Washburne in which he was reported to have said that he knew nothing of the Conference and would not leave Paris.

I have, &c.
(Signed). LYONS.

No. 182.

Lord Lyons to Earl Granville.—(Received January 19.)

(Extract.) *Bordeaux, January* 16, 1870.

I RECEIVED this afternoon your Lordship's telegram dated 2·30 P.M. yesterday, in which you do me the honour to inform me that it is impossible for you to postpone the opening meeting of the Conference. I immediately went to the Comte de Chaudordy, and repeated to him the substance of the telegram. I informed him that appeals against any further delay had been made to you from Turkey and other Powers, which precluded your postponing the first meeting, and suggested that, this being the case, it might be well to confer authority upon M. Tissot to attend it. M. de Chaudordy begged me to contradict the assertion which appeared to have been made to your Lordship, that M. Jules Favre declined to leave Paris; and he desired me to remind you that, when M. Favre last wrote, he was endeavouring to obtain a safe conduct by means of the United States' Legation. He observed that, if the Prussian authorities had not refused to send the safe-conduct into Paris when they were first requested to do so, M. Favre might now have been in London. The Prussians were, he said, exclusively responsible for the delay.

Under present circumstances, M. de Chaudordy could only ask me to repeat his request to your Lordship to postpone the opening of the Conference until M. Favre's arrival; and he said that he felt he was entitled to insist upon this request, inasmuch as, even if there had been no difficulty about the safe-conduct at the time M. Favre received your Lordship's letter, it would have been materially impossible for him to have reached London in time for the opening of the Conference on the 17th.

No. 183.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 20, 1871.

I RECEIVED last night your Excellency's despatches from the 13th to the 16th instant, reporting your communications with M. de Chaudordy respecting the attendance of M. Jules Favre at the Conference, and the difficulties which delayed his leaving Paris for that purpose, and the urgent request of M. de Chaudordy that the meeting of the Conference should be postponed till M. Favre could reach London.

In my despatch of the 6th January, and previous despatches on the same point, I fully entered into the questions bearing on the invitation addressed by Her Majesty's Government to the Government of National Defence to appoint a Plenipotentiary to attend the Conference, and into the steps taken by Her Majesty's Government to facilitate the departure of M. Favre from Paris.

The difficulty which has arisen, partly on the side of Germany as to the manner in which M. Favre should obtain a safe-conduct, partly on the side of M. Favre himself in first declining to apply for one, though informed that it would be given, and more recently in his honourable disinclination to come out of Paris when it was under the pressure of a bombardment, is well known, and has been matter of the sincerest regret to Her Majesty's Government.

But, on the other hand, the question to be debated in Conference was one of a most pressing character, and which might involve serious consequences to a large part of Europe, and I have been urged in the strongest manner by the Plenipotentiaries of Turkey and of the other Powers not to postpone any longer its consideration with a view to its being settled.

M. de Chaudordy is well aware of my having provided from the beginning that any Plenipotentiary who might be sent by France should, notwithstanding the provisional character of the Government of which he was the organ, be treated in every way with the respect due to the nation of which he would be the Representative; and he is also aware that, in all matters relating to the Conference, as indeed in all other matters, I have communicated freely and unreservedly with the French Chargé d'Affaires, who was thus enabled to supplement the communications made by your Excellency at Bordeaux by explanations received directly from myself in London.

I need scarcely say with what satisfaction Her Majesty's Government would have hailed the presence of M. Favre in London, to assist with his counsels at the solution of a question in which France is much interested, and for the due adjustment of which she has made great sacrifices. But your Excellency will not disguise from M. de Chaudordy the opinion of Her Majesty's Government that if, for whatever reason, M. Favre found himself prevented from attending the Conference in person, he could have had no difficulty in naming some one to supply his place. It surely cannot be maintained that no other person could be found in France qualified to represent her interests and maintain her cause on such an occasion, though it be admitted that none might be able to perform the duty with as great propriety and advantage as the person in charge of the foreign affairs of the country.

The Conference, as your Excellency is aware, met for the first time on the 17th. They deferred going into the question of the conditions of the Treaty of Paris until the 24th instant, and they hoped M. Favre might in the meantime reach London. From the tenor of M. de Chaudordy's language to your Excellency, as repeated in the despatches which I now acknowledge, I cannot but apprehend the disappointment of our hope; but it is impossible for me, in the uncertainty which now exists as to the time at which M. Favre can arrive in London, to propose a further adjournment of the Conference, and all that I can do is to take care that the French Chargé d'Affaires is in a position to keep his Government fully informed of all that passes in the Conference, in the hope that France, even if no person representing her should arrive during our sittings, will eventually see reason to concur in the decisions to which we may come.

I required of the Plenipotentiaries assembled on the 17th instant that, notwithstanding the reserve of secrecy which it was agreed should be maintained as to the proceedings of the Conference, I should be free to do so; and my proposition met with their unanimous and cordial concurrence.

I am, &c.

(Signed) GRANVILLE.

No. 184.

*Earl Granville to Mr. Odo Russell.**

Sir, *Foreign Office, January* 20, 1871.

IN the course of a conversation which I had to-day with Count Bernstorff upon the subject of the Conference, I expressed to his Excellency my sense of the conciliatory spirit which Prussia had shown during the negotiations, and the useful influence which she had exercised in assisting to obtain some of the results which Her Majesty's Government had desired.

I am, &c.
(Signed) GRANVILLE.

No. 185.

M. Jules Favre to Earl Granville.—(Received January 21.)

M. le Comte, *Paris, le* 10 *Janvier*, 1871.

VOUS me pardonnerez si, par infraction aux usages diplomatiques, le Gouvernement a cru devoir publier avant que votre Excellence l'eût reçue la dépêche que j'ai l'honneur de vous adresser aujourd'hui. La nécessité de mettre sous les yeux du public les documents qui peuvent l'éclairer sur les questions qui touchent à la Conférence de Londres ne nous a pas permis d'attendre l'expiration du délai malheureusement très long après lequel nous aurious appris l'arrivée de cette dépêche entre les mains de votre Excellence. Je vous prie de vouloir bien accueillir cette explication, et en même temps d'agréer, &c.

(Signé) JULES FAVRE.

(Translation.)

Paris, January 10, 1871.

YOU will pardon me if, contrary to the usages of diplomacy, the Government has thought right to publish the despatch I addressed to you to-day before it has been received by your Excellency. The necessity of placing before the eyes of the public documents which may enlighten it with regard to the questions bearing on the London Conference has not permitted us to await the expiration of the interval unfortunately so long after which we should have learnt that this despatch had reached your Lordship. I beg you to be so good as to accept this explanation, and at the same time receive, &c.

(Signed) JULES FAVRE.

No. 186.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 21, 1871.

AN obstacle may be interposed to the progress of the Conference by the difficulty which has been raised as to the manner in which M. Jules Favre is to obtain the safe-conduct which he requires to enable him to pass through the Prussian lines; but it appears to me that that difficulty might be obviated if the General in command of the besieging forces were simply to send him a safe-conduct, unaccompanied by any observation as to the reason of its being sent through that channel. I should wish you to place before Count Bismarck this suggestion as coming from me, and to impress upon him the importance which I attach to the question that the progress of the Conference, the commencement of which has been so satisfactory, should not be interfered with by uncompromising adhesion to any point of form.

I am, &c.
(Signed) GRANVILLE.

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* A similar despatch was addressed to Lord A. Loftus.

No. 187.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 21, 1871.

FROM a communication made to me to-day by the German Ambassador, it appears that a difficulty has been raised between Versailles and Paris respecting the safe-conduct for M. Jules Favre.

It appears he applied directly to Count Bismarck on the 13th instant for a safe-conduct for himself, and also for one for the female members of his family.

Count Bismarck, in reply, stated to him, in a letter of the 18th instant, that his application should be made to the General commanding the besieging army. The reason assigned by Count Bismarck for this decision were that a safe-conduct issued from the Diplomatic Chancery would imply a recognition on the part of Germany of the Government of National Defence, as the legitimate and duly constituted Government of France.

Thus the matter stands at the date of the last advices from Paris.

I will not examine the soundness of the reasons alleged by Count Bismarck, or inquire whether M. Favre had any ulterior object in view in applying to the diplomatic rather than the military authority for a safe-conduct, but I feel bound to observe that nothing has hitherto transpired to show that the French or Prussian Government anticipated that there could be a question as to the source from which the safe-conduct should proceed.

M. Tissot, in his letter to me of 27th December, says:—

"M. le Comte de Chaudordy exprime l'espoir que votre Excellence voudra bien obtenir du quartier du Général Prussien les facilités nécessaires pour que M. Jules Favre puisse accomplir sa mission. M. de Chaudordy ajoute qu'il sera désirable, afin d'éviter retard, que l'on fût averti à Paris par le quartier-général Prussien que les sauf-conduits sont accordés au Ministre des Affaires Etrangères et que l'on lui désignait le jour où il pourra en profiter."*

The answer from Count Bismarck to this application, which at my request Count Bernstorff made to his Excellency for the safe-conduct, was in the following terms:—

"Der Durchlass-Schein wird erfolgen, sobald Herr Favre ihn durch Parlamentair bei dem Ober-Commando des Belagerungsheeres nachsucht."†

In my letter to M. Favre of the 29th December I said:—

"M. de Bernstorff answered me the next day, saying that a safe-conduct would be at your Excellency's disposal as soon as it was asked for by an officer sent from Paris to the German Head-quarters."

In M. Favre's answer of the 10th January his Excellency took no exception to the conditions that the safe-conduct was to be obtained from the German Head-quarters, though he demurred to the condition that it should be sought for on his behalf by a French officer repairing to the Prussian head-quarters; and he stated that he was about to enter into communication with the United States' Ambassador, in order to procure the safe-conduct which I had obtained.

Her Majesty's Government regret most sincerely that the result of what after all may be mere misapprehension should be a delay in the receipt by M. Favre of the safe-conduct required to enable him to pass out of Paris and take part in the Conference now sitting in London; though their regret is in some degree qualified by the intimation contained in M. Favre's letter, that it would be difficult for him to depart immediately from Paris while under the horrors of bombardment; and that even if, through the instrumentality of the United States' Legation, he should obtain a safe-conduct, his proceeding to London would depend upon whether the situation of Paris permitted him to do so.

In the face of these two difficulties, one of which, namely, that of the safe-conduct, might indeed be easily and quickly overcome, while the other, the situation of Paris, must, Her Majesty's Government deeply regret, present for a time obstacles of which it is impossible to foresee the removal, there can be no other alternative open to the Plenipotentiaries of the other Powers than to proceed with the Conference, reserving for France hereafter to accede to the conclusions at which it may arrive; and, in the mean-

* (Translation.)—"Count Chaudordy expresses the hope that your Excellency will have the goodness to obtain from the Prussian Head-quarters the facilities required to enable M. Jules Favre to execute his Mission. M. Chaudordy adds that it would be desirable, in order to avoid delay, that notice should be sent to Paris from the Prussian Head-quarters that safe-conducts are granted to the Minister for Foreign Affairs, and that a day should be named on which he may avail himself of them."

† (Translation.)—"The safe-conduct will follow as soon as M. Favre applies for it, through a parlementaire, at the Head-quarters of the besieging army."

while, keeping the Representative of France in London fully informed of all that may take place.

I am, &c.
(Signed) GRANVILLE.

No. 188.

Mr. Odo Russell to Earl Granville.—(*Received January* 23.)

My Lord, *Versailles, January* 18, 1871.

I RECEIVED and acted upon your Lordship's telegrams of the 1st, 5th, 10th, 15th, 16th, and 17th instant, respecting the safe-conduct for M. Jules Favre, which was awaiting him at the Head-quarters of the Third Army, and have been repeatedly asked by the Prussian authorities why he did not apply for it.

By your Lordship's telegram of the 15th I learnt that M. Favre had written to Count Chaudordy that he would not apply to the Prussians for a safe-conduct, and that the difficulty on both sides appeared to be a matter of form which might be overcome by either party who desired to do so. I must say that on the part of Count Bismarck and the Prussian military no difficulty has hitherto been made, since M. Favre has but to apply to Head-quarters to obtain the safe-conduct, which has been ready and waiting for him since the end of last month (December.)

I have myself met at their hands with every facility to communicate with M. Favre when by your Lordship's instructions of the 5th instant I informed him, through the United States' Minister, that the Conference had not yet met, so as to give him time to apply for his safe-conduct; and again when by your Lordship's orders of the 17th instant I wrote M. Favre the letter of which copy is herewith inclosed.

M. Favre has not yet noticed my first communication; but he has written to Count Bismarck for a safe-conduct for his family and relations, adding that he has not the right to ask for one for himself.

In a subsequent letter he says that he will not leave Paris himself to attend the Conference while the bombardment lasts, which confirms the impression I expressed in my telegram of the 11th instant to your Lordship.

As the bombardment will be continued until Paris surrenders I fear the Conference may have to be put off for a very long time if M. Favre does not appoint a substitute before the 24th instant.

I have, &c.
(Signed) ODO RUSSELL.

Inclosure in No. 188.

Mr. Odo Russell to M. Jules Favre.

Sir, *Versailles,* 6, *Place Hoche, January* 18, 1871.

I HAVE just received a telegram from Lord Granville directing me to thank your Excellency for your letter of the 10th instant, and to say that the Conference met yesterday and discussed the general question of international law. The question of the Articles of the Treaty has been reserved for the next sitting, which has been fixed for the 24th of January.

Lord Granville, who greatly regretted the absence of a French Plenipotentiary, hopes that this date will enable your Excellency to appoint a substitute, if you are not present yourself.

Meanwhile, Lord Granville has informed M. Tissot of all that has passed at the first meeting yesterday.

I have, &c.
(Signed) ODO RUSSELL.

No. 189.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 24, 1871.

I APPROVE the letter addressed by you to M. Jules Favre, copy of which is inclosed in your despatch of the 18th instant, informing him of what passed at the first meeting of the Conference, and expressing the hope that a French Plenipotentiary would be able to be present at the next meeting.

I am, &c.
(Signed) GRANVILLE.

No. 190.

Earl Granville to Lord Lyons.

(Extract.) *Foreign Office, January* 23, 1871.

I HAVE heard from Mr. Odo Russell that the military authorities at Versailles will not permit any one either to enter or to leave Paris before it shall have surrendered; and, moreover, that Count Bismarck has now declined to furnish M. Jules Favre with a safe-conduct which has been since the 28th ultimo at his disposal, to enable him to reach England, which makes Her Majesty's Government the more regret that his Excellency did not make application for it to the quarter from which he was given to understand that it would be granted to him.

No. 191.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 23, 1871.

M. TISSOT called on me to-day to complain of the answer which Count Bismarck had given to M. Favre's application for a safe-conduct, as appeared by an announcement from Berlin in the newspapers. He thought it was injurious to France and insulting to England.

I replied that it was not for me to defend Count Bismarck's proceedings in this particular; that I had complained both of M. de Bismarck and M. Favre sacrificing a question of European interest on matters of form, but I repeated to M. Tissot the substance of what I had telegraphed to your Excellency yesterday, and I pointed out that M. Favre had never availed himself of the offer that had been made to him nearly three weeks ago; that it was perfectly open to France to condemn the Conference, and in any case to decline sending a Representative to it; but after the expression of opinion in favour of the Conference, and the advantage of France being represented there, M. Favre, while appointing himself to be the Plenipotentiary, had never taken the exact means which were suggested to him to obtain a safe-conduct, and had never declared his readiness to avail himself of it; and by declaring in a public document that he only came in order to show that the Provisional Government was officially recognized, and then applying for a diplomatic instead of the military safe-conduct which he had been promised, he gave M. de Bismarck at all events the technical round for a refusal.

I then informed M. Tissot of what we proposed to do in the Conference to-morrow, and I obtained from him an approval of the continuance of the European Commission of the Danube, and the statement that France would not object to Austria undertaking, at her risk and peril, the improvements to be made at the Iron Gates, after submission of the plans and estimates to the European Commission, with a toll to be levied on passing vessels which, within a certain number of years, would repay the interest and capital of that which was expended.

I am, &c.
(Signed) GRANVILLE.

No. 192.

Lord Lyons to Earl Granville.—(Received January 24.)

My Lord, *Bordeaux, January 20, 1871.*

SINCE I had the honour to address to your Lordship my despatch of the 16th instant, I have received your telegrams of the 15th and 17th instant, respecting the Conference. On the arrival of each of them I lost no time in communicating its contents verbally to the Comte de Chaudordy.

I informed him, in the first place, that, much as your Lordship would regret the absence of M. Jules Favre, you found on consultation with the other Plenipotentiaries that the opinion was general that, after the long delay which had already taken place, it would not be possible to defer the opening beyond the 17th instant. I said that your Lordship earnestly hoped that M. Favre would arrive before the second sitting; and that you thought that it might be desirable, with a view to obviating misconstruction, that authority should be given to the French Chargé d'Affaires in London to attend on the first day. I added that your Lordship informed me that on that day no specific questions relative to the Articles of the Treaty of 1856 would be brought forward.

To this M. de Chaudordy replied that it was, as he had often told me before, impossible for him to authorize any one to appear at the Conference in the place of M. Favre. I may observe also that, in fact, owing to the length of time (nearly thirty hours) which the transmission of your Lordship's telegram had occupied, it would have been hardly possible that any further instructions from this place could reach London before the Conference assembled.

On the receipt of your Lordship's telegram of the 17th I informed M. de Chaudordy that the first sitting had been held, and that your Lordship had made M. Tissot acquainted with all that had passed; and I begged him, on his part, to communicate freely to your Lordship, through M. Tissot, the views of the French Government respecting all matters relative to the Conference. I told him, moreover, that the second sitting had been deferred to the 24th instant, in the hope either that M. Favre would himself be present on that day, or measures would be taken to substitute for him another French Plenipotentiary.

M. de Chaudordy said that he felt bound to refrain from any further steps, and even from making any observations, until he should receive instructions from Paris.

In the newspapers published here on the 18th and dated the 19th instant, telegraphic summaries were given of a Circular of M. Jules Favre said to have been published at Paris in the "Journal Officiel" of the 13th. One of these summaries represented M. Jules Favre as saying that, although furnished with a safe-conduct, he would not quit Paris until the situation of the town admitted of his doing so; the other made him say that he should set out for London as soon as he should receive a safe-conduct, and as soon as the state of things at Paris should allow of his doing so.

I took an early opportunity of asking M. de Chaudordy what conclusions he drew from these summaries. He said that it would be impossible for him to come to any definite conclusion until he should receive the text of the Circular, and thus learn what were the exact words which M. Jules Favre had really used. He could, however, assure me positively that M. Jules Favre was sincerely desirous of going to the Conference. There were only two circumstances which could, in M. de Chaudordy's opinion, make him hesitate about leaving Paris. He might have some difficulty in opposing the strong feeling in Paris and in the country generally against his presenting himself in London before official relations were established between Her Majesty's Government and the Government of National Defence. He might also feel a natural reluctance to withdraw from Paris at a moment when the bombardment was adding to the dangers and sufferings of those who remained.

I have seen M. de Chaudordy again this afternoon. He tells me that he is still without any knowledge of the text of M. Favre's Circular, and without any fresh instructions from Paris. He repeats, however, his positive assurance that M. Favre sincerely wishes to go to the Conference, and he adds that he shall instruct M. Tissot to-day to beg of your Lordship that, if M. Favre should not be present at the second sitting, time may be given before the third to admit of his arriving for it.

I have the honour to inclose copies of the summaries of the Circular as they appear in the "Moniteur Universel" of the 19th instant.

I have, &c.

(Signed) LYONS.

Inclosure in No. 192.

Extracts from the "Moniteur" of January 19, 1871.

CIRCULAIRE DE M. JULES FAVRE.—On adresse de Lille à l'Agence Havas la dépêche suivante:—

"*Lille, le 16 Janvier, soir.*

"Le 'Journal Officiel' du 13 contient une Circulaire de M. Jules Favre, dans laquelle il annonce que l'invitation d'assister à la Conférence que lui avait adressée Lord Granville le 29 Décembre, lui a été remise le 10 Janvier, par l'intermédiaire du Ministre des Etats Unis.

"Cette invitation implique de la part de l'Angleterre un retour à une plus juste appréciation de notre situation politique, et consacre avec l'autorité du droit public ce changement de régime.

"La France doit donc accepter l'invitation et être représentée à la Conférence. Mais M. Jules Favre, quoique muni d'un sauf-conduit, ne quittera Paris que lorsque la situation de cette ville le lui permettra."

Londres, sans date.

(*Depêche reçue le* 17.)

Une Circulaire diplomatique, adressée par M. Jules Favre aux Puissances, en date du 12 Janvier, constate le grand intérêt qui consiste dans la France dans la solution de la question d'Orient qui, sans la participation de la France, serait entièrement nulle.

La Circulaire ajoute que M. Jules Favre partira pour Londres quand il aura reçu le sauf-conduit nécessaire, et que la situation de Paris le permettra.

Tant que le bombardement continuera, M. Jules Favre ne saurait quitter Paris. Le rapport militaire du 13 Janvier constate que le bombardement qui a eu lieu depuis dix-sept jours n'a causé que fort peu de dommage, et que les pertes sont petites. Ce rapport reconnaît que les sorties faites jusqu'ici n'ont pas abouti, mais il constate en même temps que, de leur côté, les Prussiens ont été repoussés.

(Translation.)

CIRCULAR OF M. JULES FAVRE.—The following despatch is addressed from Lille to the Havas Agency:—

"*Lille, January 16, evening.*

"The 'Journal Officiel' of the 13th contains a circular from M. Jules Favre, in which he announces that the invitation to attend the Conference which Lord Granville had addressed to him on the 29th of December, was delivered to him on the 10th of January through the medium of the Minister of the United States.

"This invitation implies on the part of England a return to a juster appreciation of our political situation and sanctions with the authority of public law this change of Government.

"France should, therefore, accept the invitation and be represented at the Conference. But M. Jules Favre, although provided with a safe-conduct, will only leave Paris when the state of things in that city will allow of his doing so."

London, without date.

(*Despatch received the 17th.*)

A Diplomatic Circular addressed by M. Jules Favre to the Powers, dated the 12th of January, records the great interest which is felt in France in the solution of the Eastern Question which, without the participation of France, would be entirely null.

The Circular adds that M. Jules Favre will leave for London as soon as he has received the necessary safe-conduct and the situation of Paris allows of his doing so.

As long as the bombardment continues M. Jules Favre could not leave Paris. The Military Report of the 13th of January states that the bombardment which has been going on for seventeen days has occasioned but little damage and that the losses are small. This Report acknowledges that the sorties made hitherto have not been successful, but it establishes the fact that the Prussians have, on their side, been repulsed.

No. 193.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, January* 25, 1871.

THE second meeting of the Conference took place yesterday, and ended in an adjournment until Tuesday the 31st instant. I trust this will enable some of the Plenipotentiaries to refer to their Governments for instructions.

Late in the evening I received from Major-General Walker a telegram dated Versailles, January 24, 12·35 P.M., stating that M. Favre had arrived at Versailles in the course of the previous night. It is to be hoped, therefore, that his Excellency will now reach London before the third meeting of the Conference takes place.

I am, &c.
(Signed) GRANVILLE.

No. 194.

Mr. Odo Russell to Earl Granville.—(Received January 28.)

My Lord, *Versailles, January* 23, 1871.

WITH reference to my despatch of the 18th instant I have the honour to inclose herewith copy of the letter I have just received from M. Jules Favre in answer to mine of the 18th instant.

I have, &c.
(Signed) ODO RUSSELL.

Inclosure in No. 194.

M. Jules Favre to Mr. Odo Russell.

Monsieur, *Ministère des Affaires Etrangères, Paris, ce* 23 *Janvier*, 1871.

J'AI reçu la lettre que vous m'avez fait l'honneur de m'écrire le 18 Janvier courant et vous remercie des communications qu'elle renferme. Je ne puis vous enumerer, mais vous le devinez sans peine, les raisons nombreuses et puissantes qui me font regretter de ne pas pouvoir représenter mon pays à Londres. Je me fais cette illusion que ma présence n'eut pas été indifférente à ses intérêts. Je ne me résigne à renoncer à ce grand devoir que pour en remplir un plus grand encore et devant lequel toute considération s'efface. J'aime à croire que Lord Granville comprendra les raisons qui ne m'ont pas permis de profiter de ses bons offices. Je ne lui en suis pas moins reconnaissant, et je vous prie, en lui transmettant cette assurance, d'y joindre l'expression de mes sentiments de haute considération.

J'ai, &c.
(Signé) JULES FAVRE.

(Translation.)

Sir, *Foreign Office, Paris, January* 23, 1871.

I HAVE received the letter which you did me the honour to write to me on the 18th instant, and I thank you for the communications which it contains. I cannot recount to you, though you will divine them without difficulty, the numerous and cogent reasons which cause me to regret being unable to represent my country in London. I flatter myself that my presence would not have been immaterial to her interests. I only make up my mind to renounce this great duty in order to fulfil one still greater, and before which every consideration vanishes. I trust that Lord Granville will understand the reasons which have forbidden me to profit by his good offices. I am not the less grateful to him for them, and I beg that, in transmitting this assurance to him, you will add to it the expression of my sentiments of high consideration.

I have, &c.
(Signed) JULES FAVRE

No. 195.

Lord Lyons to Earl Granville.—(Received January 29.)

My Lord, *Bordeaux, January* 23, 1871.

I HAD this morning the honour to receive your Lordship's telegram of yesterday; and, in obedience to the instruction contained in it, I stated to the Count de Chaudordy that Her Majesty's Government hoped that M. Jules Favre would apply for the safe-conduct to the Prussian military authorities, who were alone empowered to grant it. Her Majesty's Government were, I said, informed that M. Favre had applied for it to Count Bismarck, and had been referred by him to the military authorities. Her Majesty's Government were, I added, of opinion that it would be very much to be regretted that any misunderstanding or difficulty on this point should prevent M. Favre from joining the Conference.

M. de Chaudordy said that he could not but observe that if M. Jules Favre was not already in London the fault lay with Count Bismarck, who had not complied with your Lordship's request that a safe-conduct should be sent into Paris, and who had all along interposed futile pretexts, obstacles, and delays.

Later in the day, M. de Chaudordy told me that since he had seen me in the morning he had received a letter from M. Favre, dated the 14th instant, from the whole tone and tenor of which it was apparent that M. Favre himself desired to go to the Conference. M. de Chaudordy added, however, that the latter expressed a fear that Count Bismarck was designedly withholding the safe-conduct.

I have already communicated the substance of the present despatch to your Lordship by telegraph.

I have, &c.
(Signed) LYONS.

No. 196.

Lord Lyons to Earl Granville.—(Received January 29.)

My Lord, *Bordeaux, January* 25, 1871.

I HAVE the honour to transmit to your Lordship herewith, extracted from the "Moniteur Universel" of this day, a Circular from M. Jules Favre to the French Representatives abroad, respecting his acceptance of the invitation to attend the Conference in London.

I have, &c.
(Signed) LYONS.

Inclosure in No. 196.

Extract from the "Moniteur" of January 25, 1871.

Circulaire de M. Jules Favre, Ministre des Affaires Etrangères de la République Française aux Agents Diplomatiques de la France à l'étranger.

Monsieur, *Paris, le* 12 *Janvier*, 1871.

LE Gouvernement a jusqu'ici cru de son devoir de rester dans une grande réserve en ce qui touche les négociations engagées sur la révision des Traités de 1856. Qu'une telle révision, si elle est nécessaire, appartienne exclusivement aux Puissances signataires de ces Traités, c'est là une vérité si évidente qu'il est inutile d'y insister. Elle ne pourrait être mise en doute. Aussi, dès que l'une de ces Puissances a réclamé la modification des Conventions obligeant également tous les dignités, l'idée d'une Conférence dans laquelle la question serait discutée a-t-elle été adoptée sans difficulté. La place de la France y était marquée. Mais pouvait-elle songer à l'occuper quand elle était tout entière absorbée par la défense de son territoire. Telle est la grave question que le Gouvernement a dû examiner dans les circonstances que je vais sommairement rappeler.

C'est par une dépêche en date de Tours, 11 Novembre, reçue à Paris le 17, que le Ministre des Affaires Etrangères a été informé par M. de Chaudordy de la Circulaire de M. le Prince Gortchakoff. Cette nouvelle lui était transmise par un télégramme de notre Ministre à Vienne, ainsi conçu :—

"Le Ministre de Russie a fait hier une communication de laquelle il résulte que son Gouvernement ne se considère plus comme lié par les stipulations des Traités de 1856."

Le même jour, 17 Novembre, le Ministre des Affaires Etrangères répondait à M. de Chaudordy en lui ordonnant la plus stricte extrême réserve. Nous n'avons encore aucune communication officielle, et devions nous borner au rôle d'observateur, sans négliger toutefois de maintenir en toute occasion notre droit formel d'être associé à une résolution qui, sans notre participation, serait absolument dénuée de valeur.

L'Europe ne pouvait pas ne pas le comprendre, et dans les conversations et les notes échangées entre les différentes Puissances et nous, il a toujours été entendu que la France était partie nécessaire à la délibération, et qu'elle y serait appelée.

Je croirais commettre une indiscrétion inexcusable si je révélais aujourd'hui les détails de ces pourparlers. Notre effort a été de profiter des dispositions bienveillantes qu'on nous y a montrées, et d'amener les Représentants des Puissances à reconnaître que, sans déserter ni diminuer en rien l'intérêt de premier ordre que soulève pour nous la discussion des Traités de 1856, nous avions le devoir, en entrant dans la Conférence, d'y introduire un débat d'une tout autre importance, et sur lequel on ne pouvait nous opposer aucune fin de non-recevoir. Cependant, il faut dire qu'en partageant complétement cet avis, la Délégation de Tours a toujours estimé que nous devions accepter l'invitation de l'Europe si elle nous était faite.

Conservant cette opinion, M. de Chaudordy écrivait, dans sa dépêche du 10 Décembre: "La Délégation est d'avis, après avoir examiné toutes les dépêches avec moi, que nous devons aller à la Conférence, alors que nous n'aurions aucune promesse avant, ni un armistice." L'opinion des membres de la Délégation n'a du reste jamais varié. M. Gambetta l'exprime encore avec force dans sa dernière dépêche des 31 Décembre, 1870, et 3 Janvier, 1871. S'adressant au Ministre des Affaires Etrangères il lui écrit: "Vous devez être sur le point de quitter Paris pour vous rendre à la Conférence de Londres, si, comme on me l'affirme, l'Angleterre parvient à obtenir un sauf-conduit. Je me figure les déchirements que vous devez éprouver de quitter Paris et nos collègues.

"J'entends d'ici l'expression de vos douleurs et de vos premiers refus, et cependant, je dois à l'intérêt de notre cause de vous dire qu'il le faut."

Avant que M. Gambetta eut écrit ces lignes, le Ministre des Affaires Etrangères, suivant, autant que le lui permettaient l'imperfection et les retards des communications, les négociations engagées à Tours, continués depuis à Bordeaux, avait fait connaître à M. de Chaudordy que le Gouvernement avait décidé que si elle y était régulièrement appelée, la France se ferait représenter à la Conférence de Londres, en y mettant toutefois cette condition: que l'Angleterre, qui avait fait l'invitation verbale, voudrait bien se charger d'obtenir le sauf-conduit nécessaire à son Représentant, s'il était choisi à Paris.

Cet arrangement a été accepté par le Cabinet Anglais. M. de Chaudordy en avisait le Ministre des Affaires Etrangères par une dépêche en date de Bordeaux, du 26 Décembre, 1870, reçue le 8 Janvier. Il l'informait en même temps que la Délégation du Gouvernement l'avait désigné comme devant représenter la France à la Conférence. Cet communication a été confirmée par la lettre suivante, écrite par Lord Granville le 29 Décembre, et remise le 10 de ce mois, par intermédiaire de M. le Ministre des Etats Unis:—

"*Lord Granville à son Excellence le Ministre de Affaires Etrangères de Paris.*

"M. le Ministre, "*Londres, le 29 Décembre*, 1870.

"M. de Chaudordy a informé Lord Lyons que votre Excellence était proposée pour représenter la France dans la Conférence qu'on est convenu de tenir à Londres, concernant la neutralité de la Mer Noire, et il m'a en même temps fait demander d'obtenir un sauf-conduit qui permette à votre Excellence de franchir les lignes Prussiennes. J'ai immédiatement prié le Comte de Bernstorff de réclamer ce sauf-conduit et de le faire remettre à votre Excellence par un officier Allemand, envoyé en parlementaire.

"M. de Vinetorf m'a fait savoir hier qu'un sauf-conduit serait mis à la disposition de votre Excellence aussitôt qu'il serait demandé par un officier envoyé de Paris au quartier-général Allemand. Il a ajouté toutefois qu'il ne pouvait être envoyé par un officier Allemand tant que satisfaction n'aurait pas été donnée par l'officier porteur du pavillon parlementaire sur lequel les Parisiens avaient tiré. Il a été informé par M. Tissot que beaucoup de temps s'écoulerait avant que cet avis puisse vous être transmis par la Délégation de Bordeaux, et j'ai, en conséquence, suggéré au Comte de Bernstorff un autre moyen de la faire parvenir, en profitant de l'occasion qui m'était offerte par le Chargé d'Affaires des Etats Unis pour vous informer de ce qui s'est passé.

"Il a été convenu que la Conférence se réunirait cette semaine, mais pour donner au

Plénipotentiaire Français le temps d'arriver, le jour de la réunion a été fixée au 3 Janvier. J'espère que votre Excellence autorisera M. Tissot à la représenter à la première séance, dans laquelle je ne mettrai à l'ordre du jour que la question de forme, et si votre Excellence est en mesure de m'annoncer son arrivée je proposerai d'ajourner la Conférence d'une semaine, afin d'obtenir le précieux concours de votre expérience.

"J'espère que votre Excellence me permettra de saisir cette occasion de lui exprimer toute ma satisfaction d'entrer en relations personnelles avec elle, et le plaisir que j'éprouverai de la voir à Londres.

"J'ai, &c.

(Signé) "GRANVILLE."

Mis en demeure par cette dépêche, le Gouvernement n'aurait pu, sans abdication des droits de la France, repousser l'invitation qu'il recevait en son nom. Sans doute, on peut objecter que, pour elle, l'heure est peu propice à une discussion sur la neutralisation de la Mer Noire. Mais c'est précisément parce qu'à ce moment suprême elle lutte seule pour son honneur et son existence, que la démarche officielle fait auprès de la République Française par les Cabinets Européens acquiert une gravité exceptionnelle.

Elle est un commencement tardif de justice, un engagement qui ne pourra plus être rétracté. Elle consacre avec l'autorité du droit public le changement du règne et fait apparaître sur la scène où se jouent les destinés du monde, la nation libre, malgré ses blessures, à la face du chef qui l'a menée à sa perte, ou des prétendants qui voudraient disposer d'elle. D'ailleurs, qui ne sent qu'admise en face des Représentants de l'Europe, la France a le droit incontestable d'y élever la voix? Qui pourra l'arrêter lorsque, s'appuyant sur les règles éternelles de la justice, elle défendra les principes qui garantissent son indépendance et sa dignité? Elle n'abandonnera aucun de ceux que nous avons soutenus. Notre programme n'a pas changé, et l'Europe, qui convie celui qui l'a tracé, sait fort bien qu'il a le devoir et la volonté de le maintenir. Il n'y avait donc point à hésiter, et ce Gouvernement eût commis une faute grave en repoussant l'ouverture qui lui était faite.

Il n'y a donc plus aucune nécessité à ce qu'un officier Français se rende au quartier-général Prussien, et je vais entrer en communication avec M. le Ministre des Etats Unis pour me faire remettre le sauf-conduit que vous avez bien voulu obtenir. Dès que j'aurai cette pièce entre les mains, et que la situation de Paris me le permettra, je prendrai la route de Londres, sûr à l'avance de ne pas invoquer en vain, au nom de mon Gouvernement, le principe de droit et de morale que l'Europe a un si grand intérêt à faire respecter.

Veuillez, &c.

(Signé) JULES FAVRE.

Paris, le 10 *Janvier*, 1871.

Je vous prie, Monsieur, de vouloir bien donner connaissance à cette dépêche au Représentant du Gouvernement près duquel vous êtes accrédité. Il importe que l'Europe soit éclairée sur nos intentions et sur nos actes; c'est à son équité que nous les soumettons.

Agréez, &c.

Le Ministre des Affaires Etrangères,

(Signé) JULES FAVRE.

(Translation.)

Paris, January 12, 1871.

THE Government has hitherto deemed it to be its duty to maintain a strict reserve in respect of the negotiations which have been set on foot for a revision of the Treaties of 1856. That such revision, should it be necessary, belongs exclusively to the Powers which were signataries of those Treaties is a truth so evident that it is needless to dwell upon it. There can be no doubt upon the point. Also, when one of those Powers demanded a modification of the Conventions which were equally binding upon all the signataries, the idea of a Conference, at which the question could be discussed, was adopted without difficulty. The place of France in that Conference was marked out. But could she think of occupying it at a moment when she was entirely absorbed by the defence of her territory? Such was the grave question which the Government has had to consider under the circumstances which I am about briefly to recount.

It was by a despatch, dated Tours, 11th November, received in Paris on the 17th, that the Minister for Foreign Affairs was informed, by M. de Chaudordy, of Prince Gortchakoff's Circular. This intelligence was communicated to him by a telegram from our Minister at Vienna in the following terms:—

"The Russian Minister yesterday made a communication from which it appears that his Government considers itself as no longer bound by the stipulations of the Treaties of 1856."

On the same day, November 17, the Minister of Foreign Affairs replied to M. de Chaudordy by enjoining the strictest reserve. We had up to that time received no official communication, and we were bound to confine ourselves to a policy of observation, at the same time without omitting to maintain on all occasions our formal right to take part in a resolution which, without our participation, would be absolutely devoid of value.

Europe could not misunderstand it, and in the conversations and notes which have been interchanged between the various Powers and ourselves it has always been understood that France was a necessary party to the deliberation, and that she would be invited to join in it.

I should hold myself guilty of an unpardonable indiscretion if I were now to reveal the details of these *pourparlers*. Our effort has been to take advantage of the friendly dispositions which have been manifested towards us, and to bring the Representatives of the Powers to acknowledge that, without deserting or in any way detracting from the extreme importance which the discussion of the Treaties of 1856 would have for us, yet we were bound upon entering the Conference to introduce yet another discussion of a totally different import which should not be met by a plea of incompetency. However, it must be admitted that, while fully sharing this view, the Delegation at Tours has always been of opinion that we should accept the invitation of Europe if it should be addressed to us.

Retaining this opinion, M. de Chaudordy wrote, in his despatch of the 10th of December,—"The Delegation is of opinion, after having examined with me all the despatches, that we should join the Conference, even without a previous promise or an armistice." The opinion of the members of the Delegation has never changed. M. Gambetta forcibly expresses it in his last despatches of the 31st of December, 1870, and the 3rd of January, 1871. Addressing the Minister of Foreign Affairs he writes, "You must be on the point of quitting Paris to repair to the Conference at London, if, as I am assured, England has succeeded in obtaining a safe-conduct for you. I can imagine the pangs which you will experience in leaving Paris and our colleagues.

"I can hear the expression of your grief and your early refusals, and yet I owe it to the interests of our cause to tell you it must be so."

Before M. Gambetta had written these lines the Minister of Foreign Affairs, following as well as the imperfection and the delays in communication allowed him to do, the negotiations entered upon at Tours and continued afterwards at Bordeaux, had intimated to M. de Chaudordy that the Government had decided that if regularly invited France would send a Representative to the Conference at London, but with the condition that England, which had sent it a verbal invitation, would undertake to obtain the necessary safe-conduct for its Representative if he were selected in Paris.

This arrangement was accepted by the English Cabinet. M. de Chaudordy informed the Minister of Foreign Affairs of it in a despatch, dated Bordeaux, December 26, 1870, received on the 8th of January. He informed him at the same time that the Delegation of the Government had appointed him to represent France at the Conference. This communication was confirmed by the following letter written by Lord Granville on the 29th of December, and transmitted to us on the 10th of the present month through the medium of the United States' Minister:—

"Lord Granville to his Excellency the Minister for Foreign Affairs of Paris.

"M. le Ministre, "*Foreign Office, December* 29, 1870.

"M. Chaudordy having informed Lord Lyons that your Excellency proposed to represent France in the Conference agreed to be held in London respecting the neutralization of the Black Sea, and having asked me to obtain a safe-conduct for your Excellency through the Prussian lines, I lost no time in requesting Count Bernstorff to apply for one, and to send it to your Excellency by a German officer with a flag of truce.

"M. de Bernstorff answered me the next day, saying that a safe-conduct would be at your Excellency's disposal as soon as it was asked for by an officer sent from Paris to the German Head-quarters, but that it could not be sent by a German officer until satisfaction was given for the officer bearing a flag of truce who had been fired upon by the French.

"I have been informed by M. Tissot that great delay may occur before your Excellency obtains the information from the Delegation at Bordeaux, and although I

have suggested to Count Bernstorff another means of conveying it, I think it well to avail myself of the opportunity which the American Chargé d'Affaires has been good enough to consent to in order to tell you what has passed.

"It was intended to hold the Conference this week, but, in order to give time to the French Plenipotentiary to arrive, the day of meeting was settled for the 3rd of January. I hope your Excellency will authorize M. Tissot to represent you at the first sitting, when I shall propose that nothing but the question of form be considered, and if, as I much desire, your Excellency is able to announce your arrival, I will propose to adjourn the Conference for a week in order to obtain the great advantage of your Excellency's presence.

"I trust that your Excellency will allow me to take this opportunity of expressing my satisfaction at entering into personal communication with you, and the pleasure I shall feel in seeing you in London.

"I am, &c.
(Signed) "GRANVILLE."

Being called upon by the despatch, the Government could not, without abdicating the rights of France, reject the invitation which it received in her name. Undoubtedly it might be objected that, for France, the moment is not favourable for a discussion respecting the neutrality of the Black Sea. But it is precisely because at this supreme moment France is fighting for her honour and her existence that the official proposition made to the French Republic by the European Cabinets acquires an exceptional importance.

It is a tardy commencement of justice, an engagement which cannot be retracted. It sanctions, with the authority of public law, the change of reign, and brings upon the scene where the destinies of the world are being contested the free nation—free despite her wounds—in place of the chief who led her to her danger or of the pretenders who sought to dispose of her. Besides, who does not feel that, admitted to face the Representatives of Europe, France has an incontestable right to lift up her voice? Who can arrest her when, relying upon the eternal rules of justice, she will defend the principles which guarantee her independence and her dignity? She will abandon none which we have maintained. Our programme is unchanged; and Europe, who invites those who framed it, knows well that they are bound and are prepared to maintain it. There was no room, therefore, for hesitation, and the Government would have committed a grave fault in rejecting the overture which was made to it.

There is therefore no longer any necessity for a French officer to proceed to the Prussian head-quarters; and I will enter into communication with the United States' Minister with a view to receiving the safe-conduct which you have been good enough to obtain. As soon as I have that document in my possession and the situation of Paris allows of it, I shall proceed to London, confident that I shall not in vain invoke, in the name of my Government, the principle of right and morality which Europe has so great an interest in causing to be respected.

I beg, &c.
(Signed) JULES FAVRE.

Paris, January 10, 1871.

I request you, Sir, to communicate this despatch to the Representative of the Government to which you are accredited. It is important that Europe should be enlightened as to our intentions and our actions; we submit them to her equity.

Receive, &c.
(Signed) JULES FAVRE.

No. 197.

Lord Lyons to Earl Granville.—(Received January 29.)

My Lord, *Bordeaux, January* 24, 1871.

I LEARNT this morning by a telegram from your Lordship that Count Bismarck now altogether refuses to give M. Jules Favre a safe-conduct. I thought it right to lose no time in making this intelligence known to the Comte de Chaudordy, in order that the Delegation here might consider what steps they should take respecting the Conference in consequence of this refusal.

M. de Chaudordy observed that he received the information with great regret, but with little or no surprise. For his own part he had, he said, for some time suspected that

Count Bismarck had no intention whatever of allowing M. Favre to go to London. Count Bismarck had not complied with your Lordship's request to him to send a safe-conduct to M. Favre, alleging in excuse the futile and worn-out pretext that Prussian flags of truce had been fired upon. He had then informed your Lordship that a letter had been sent from Versailles to inform M. Favre that he might obtain a safe-conduct on applying to the General of the Third Army. M. de Chaudordy doubted whether any such letter had reached M. Favre. I was quite certain that no allusion whatever to anything of the kind appeared in M. Favre's correspondence with Bordeaux. The letter which your Lordship had written on the 29th of December to M. Jules Favre had certainly not been forwarded with any unusual speed by the Prussian authorities, for it did not reach its destination till late on the evening of the 10th of January. Last of all, M. de Bismarck, having ascertained that the Conference was going on without M. Favre, had distinctly refused the safe-conduct.

M. de Chaudordy said, in conclusion, that he would, without delay, write to the French Chargé d'Affaires in London on the subject.

I have, &c.
(Signed) LYONS.

No. 198.

Earl Granville to Mr. Odo Russell.

Sir, *Foreign Office, January* 29, 1871.

I SHOULD wish to hear from you, as soon as possible, whether it is the intention of M. Jules Favre to come to London to attend the Conference. If he does not propose to do so, you should urge him at once to name a substitute, who should be prepared to take his seat without delay as French Plenipotentiary.

I am, &c.
(Signed) GRANVILLE.

No. 199.

Lord Lyons to Earl Granville.—(Received January 31.)

My Lord, *Bordeaux, January* 26, 1870.

I HAD yesterday the honour to receive your Lordship's despatch of the 20th instant, stating the reasons which had made it impossible for your Lordship, considering the urgency of the questions to be discussed, and the uncertainty about M. Jules Favre's leaving Paris, to postpone the Conference any longer.

I spoke to M. de Chaudordy yesterday afternoon in the sense of this despatch, and I said to him in particular that your Lordship would take care to enable the French Chargé d'Affaires to keep his Government fully informed of all that passed in the Conference, in the hope that France, even if no one should go to London to represent her during the sittings, would eventually concur in the conclusions which would be come to by the Plenipotentiaries.

M. de Chaudordy did not enter into a discussion with me upon your Lordship's views. He very naturally spoke rather of the intelligence which had been received since your Lordship's despatch was written, that Count Bismarck distinctly refused to give M. Jules Favre a safe-conduct. He told me that he was informed by M. Tissot that your Lordship had sent a remonstrance against this refusal to Versailles, and he appeared to be disposed to await the result of this remonstrance before taking any further step.

He said further that a letter which had just arrived from M. Jules Favre stated that a request which he had send to Count Bismarck for a safe-conduct had reached Versailles on the 14th, but that he had received no answer to it, although a reply had been made by General Moltke to a communication from General Trochu sent at the same time.

M. de Chaudordy went on to say that General Trochu's communication informed General Moltke that the Prussian balls had struck an ambulance; and he added that it appeared that, in reply, General Moltke had said that he fired in a fog and could not tell where his balls fell, and that in fact the conduct of the French Government since the 4th of September made it impossible for him to observe the ordinary rules of war.

I have, &c.
(Signed) LYONS.

No. 200.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, February 2, 1871.*

IMMEDIATELY on the receipt of news of the capitulation of Paris, I requested Mr. Odo Russell to ascertain whether M. Jules Favre intended to come to London, and if such was not his intention to suggest that he would name some one to represent France in the Conference.

Mr. Russell informs me, however, that M. Favre regrets that, for reasons which he is not able at present to explain, he cannot send a substitute to attend the Conference in his place.

I have, &c.
(Signed) GRANVILLE.

No. 201.

Earl Granville to Lord Lyons.

My Lord, *Foreign Office, February 4, 1871.*

I HAD some conversation with M. Tissot on the 25th ultimo with regard to the Conference, when he again urged the importance of the French Plenipotentiary bringing before it the question of peace and war. I repeated the statements which I had previ- usly made to him. France had agreed that the Conference was desirable, and that it would be an advantage for her to be represented. No one could pretend that it was not an object of importance to find, if possible, a satisfactory solution of the question affecting the Black Sea and the interests of the Powers who were co-signataries of the Treaty of 1856.

There might be other subjects which it was desirable to consider in a similar Conference, but the present one had been agreed upon for a particular object, and it was certain that if any other subject was forced upon it, not only such new subject would not be considered, but it would put an end to the consideration of the questions for which the Conference had been summoned.

If the French Plenipotentiary wished to bring the question of peace before the Conference I should be obliged, as President, to object to his so addressing the Conference. But if at the end of the Conference, or even after one of its sittings, he wished to take advantage of the presence of the Plenipotentiaries to bring any subject before them, in that case it would not be my duty to interfere. Each Plenipotentiary would act individually as his sense of duty or his instructions bound him to do, and I, for one, should certainly listen respectfully to anything which was stated to me by the French Plenipotentiary.

I am, &c.
(Signed) GRANVILLE.

CORRESPONDENCE respecting the Treaty of March 30, 1856.

Presented to both Houses of Parliament by Command of Her Majesty. 1871.

LONDON:
PRINTED BY HARRISON AND SONS.

PART V.

EASTERN PAPERS.

COMMUNICATIONS

RESPECTING

TURKEY

MADE TO

HER MAJESTY'S GOVERNMENT

BY THE

EMPEROR OF RUSSIA,

WITH THE ANSWERS RETURNED TO THEM.

January to April 1853.

Presented to both Houses of Parliament by Command of Her Majesty.
1854.

LONDON:
PRINTED BY HARRISON AND SON.

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Communications respecting Turkey made to Her Majesty's Government by the Emperor of Russia, with the Answers returned to them. January to April 1853.

No. 1.

Sir G. H. Seymour to Lord John Russell.—(*Received January* 23.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, January* 11, 1853.

ON the evening of the 9th instant I had the honour of seeing the Emperor at the palace of the Grand Duchess Helen, who, it appeared, had kindly requested permission to invite Lady Seymour and myself to meet the Imperial family.

The Emperor came up to me, in the most gracious manner, to say that he had heard with great pleasure of Her Majesty's Government having been definitively formed, adding that he trusted the Ministry would be of long duration.

His Imperial Majesty desired me particularly to convey this assurance to the Earl of Aberdeen, with whom, he said, he had been acquainted for nearly forty years, and for whom he entertained equal regard and esteem. His Majesty desired to be brought to the kind recollection of his Lordship.

You know my feelings, the Emperor said, with regard to England. What I have told you before I say again: it was intended that the two countries should be upon terms of close amity; and I feel sure that this will continue to be the case. You have now been a certain time here, and, as you have seen, there have been very few points upon which we have disagreed; our interests, in fact, are upon almost all questions the same.

I observed, that I really was not aware that since I had been at St. Petersburgh there had been any actual disagreements whatever between us, except with regard to Louis Napoleon's No. III,—a point, respecting which each Government had its own opinion (manière de voir), but a point which, after all, was very immaterial.

The No. III, the Emperor replied, would involve a long explanation; I will, therefore, not touch upon the subject at present; I should be glad, however, that you should hear what I have to say upon the question, and will beg of you to call upon me some morning when I am a little free from engagements.

I, of course, requested that His Majesty would be good enough to lay his orders upon me.

In the meantime, the Emperor went on to say: I repeat that it is very essential that the two Governments—that is, that the English Government and I, and I and the English Government—should be upon the best terms; and the necessity was never greater than at present. I beg you to convey these words to Lord John Russell. When we are agreed (d'accord), I am quite without anxiety as to the west of Europe; it is immaterial what the others may think or do. As to Turkey, that is another question: that country is in a critical state, and may give us all a great deal of trouble. And now I will take my leave of you, which His Majesty proceeded to do by shaking hands with me very graciously.

It instantly occurred to me that the conversation was incomplete and might never be renewed, and, as the Emperor still held my hand, I said, Sir, with

your gracious permission, I would desire to take a great liberty. Certainly, His Majesty replied; what is it—let me hear.

Sir, I observed, your Majesty has been good enough to charge me with general assurances as to the identity of views between the two Cabinets, which assuredly have given me the greatest pleasure, and will be received with equal satisfaction in England; but I should be particularly glad that your Majesty should add a few words which may tend to calm the anxiety with regard to the affairs of Turkey, which passing events are so calculated to excite on the part of Her Majesty's Government; perhaps you will be pleased to charge me with some additional assurances of this kind.

The Emperor's words and manner, although still very kind, showed that His Majesty had no intention of speaking to me of the demonstration which he is about to make in the South. He said, however, at first with a little hesitation, but, as he proceeded, in an open and unhesitating manner, The affairs of Turkey are in a very disorganized condition; the country itself seems to be falling to pieces (menace ruine): the fall will be a great misfortune, and it is very important that England and Russia should come to a perfectly good understanding upon these affairs, and that neither should take any decisive step of which the other is not apprised.

I observed in a few words, that I rejoiced to hear that His Imperial Majesty held this language; that this was certainly the view I took of the manner in which Turkish questions are to be treated.

"Tenez," the Emperor said, as if proceeding with his remark, "tenez; nous avons sur les bras un homme malade—un homme gravement malade; ce sera, je vous le dis franchement, un grand malheur si, un de ces jours, il devait nous échapper, surtout avant que toutes les dispositions nécessaires fussent prises. Mais enfin ce n'est point le moment de vous parler de cela."*

It was clear that the Emperor did not intend to prolong the conversation; I therefore said, "Votre Majesté est si gracieuse qu'elle me permettra de lui faire encore une observation. Votre Majesté dit que l'homme est malade; c'est bien vrai, mais votre Majesté daignera m'excuser si je lui fais observer, que c'est à l'homme généreux et fort de ménager l'homme malade et faible."†

The Emperor then took leave of me in a manner which conveyed the impression of my having at least not given offence, and again expressed his intention of sending for me on some future day.

Whether the intention will be acted upon, is not to me so certain. It may be right that I should state to your Lordship that I propose giving Count Nesselrode an account of my conversation with his Imperial master.

I am convinced that the Chancellor is invariably favourable to measures of moderation, and as far as lies in his power, to English views. His desire, then, to act in harmony with Her Majesty's Government cannot but be strengthened by learning the cordial declarations which the Emperor has made to me upon the subject.

Upon reading over my despatch, I am convinced that the conversation, although abridged, has been faithfully reported; the only point of any interest which I am aware of not having touched upon being, that the Emperor observed that the last accounts from Constantinople were more satisfactory, the Turks appearing to be more reasonable, although by what process they had become so had not been made apparent.

I will only observe that we have every interest in its being understood that no decision should be taken in the affairs of Turkey, without concert with Her Majesty's Government, by a Sovereign who can dispose of several hundred thousand bayonets.

Would the understanding be acted upon?—that indeed may well be doubted, and the rather as the Emperor's assurances are a little contradicted by the measures to which it has been my duty to call your Lordship's attention.

Still His Imperial Majesty's words appear to me to possess considerable

* "Stay; we have on our hands a sick man—a very sick man: it will be, I tell you frankly, a great misfortune if, one of these days, he should slip away from us, especially before all necessary arrangements were made. But, however, this is not the time to speak to you on that matter."

† "Your Majesty is so gracious that you will allow me to make one further observation. Your Majesty says the man is sick: it is very true; but your Majesty will deign to excuse me if I remark, that it is the part of the generous and strong man to treat with gentleness the sick and feeble man."

value, and certainly they offer me at this moment an advantage of which I shall not be backward in availing myself.

Your Lordship will pardon me if I remark that, after reflecting attentively upon my conversation with the Emperor, it appears to me that this, and any overture of the kind which may be made, tends to establish a dilemma by which it is very desirable that Her Majesty's Government should not allow themselves to be fettered. The dilemma seems to be this:—if Her Majesty's Government do not come to an understanding with Russia as to what is to happen in the event of the sudden downfall of Turkey, they will have the less reason for complaining if results displeasing to England should be prepared. If, on the contrary, Her Majesty's Government should enter into the consideration of such eventualities, they make themselves in some degree consenting parties to a catastrophe which they have so much interest in warding off as long as possible.

The sum is probably this, that England has to desire a close concert with Russia, with a view to preventing the downfall of Turkey—while Russia would be well pleased that the concert should apply to the events by which this downfall is to be followed.

I have, &c.
(Signed) G. H. SEYMOUR.

P.S.—Since this despatch was written, I have heard from the Austrian Minister, that the Emperor has spoken to him of the conversation which he had held with me. I told Sir Hamilton Seymour, His Majesty said, that the new Ministry appears to me to be strong, and that I am anxious for its duration —although to say the truth, as regards England, I have learned that it is the country with which we must be allied. We must not lean to this or that party.

G. H. S.

No. 2.

Sir G. H. Seymour to Lord John Russell.—(Received February 6.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, January 22, 1853.*

ON the 14th instant, in consequence of a summons which I received from the Chancellor, I waited upon the Emperor, and had the honour of holding with His Imperial Majesty the very interesting conversation of which it will be my duty to offer your Lordship an account, which, if imperfect, will, at all events, not be incorrect.

I found His Majesty alone; he received me with great kindness, saying, that I had appeared desirous to speak to him upon Eastern affairs; that, on his side, there was no indisposition to do so, but that he must begin at a remote period.

You know, His Majesty said, the dreams and plans in which the Empress Catherine was in the habit of indulging; these were handed down to our time; but while I inherited immense territorial possessions, I did not inherit those visions, those intentions if you like to call them so. On the contrary, my country is so vast, so happily circumstanced in every way, that it would be unreasonable in me to desire more territory or more power than I possess; on the contrary, I am the first to tell you that our great, perhaps our only danger, is that which would arise from an extension given to an Empire already too large.

Close to us lies Turkey, and in our present condition, nothing better for our interests can be desired; the times have gone by when we had anything to fear from the fanatical spirit or the military enterprise of the Turks, and yet the country is strong enough, or has hitherto been strong enough, to preserve its independence, and to insure respectful treatment from other countries.

Well, in that Empire there are several millions of Christians whose interests I am called upon to watch over (surveiller), while the right of doing so is

secured to me by Treaty. I may truly say that I make a moderate and sparing use of my right, and I will freely confess that it is one which is attended with obligations occasionally very inconvenient; but I cannot recede from the discharge of a distinct duty. Our religion, as established in this country, came to us from the East, and there are feelings, as well as obligations, which never must be lost sight of.

Now Turkey, in the condition which I have described, has by degrees fallen into such a state of decrepitude that, as I told you the other night, eager as we all are for the prolonged existence of the man (and that I am as desirous as you can be for the continuance of his life, I beg you to believe), he may suddenly die upon our hands (nous rester sur les bras); we cannot resuscitate what is dead; if the Turkish Empire falls, it falls to rise no more; and I put it to you, therefore, whether it is not better to be provided beforehand for a contingency, than to incur the chaos, confusion, and the certainty of an European war, all of which must attend the catastrophe if it should occur unexpectedly, and before some ulterior system has been sketched; this is the point to which I am desirous that you should call the attention of your Government.

Sir, I replied, your Majesty is so frank with me, that I am sure you will have the goodness to permit me to speak with the same openness. I would then observe, that deplorable as is the condition of Turkey, it is a country which has long been plunged in difficulties supposed by many to be insurmountable.

With regard to contingent arrangements, Her Majesty's Government, as your Majesty is well aware, objects, as a general rule, to taking engagements upon possible eventualities, and would, perhaps, be particularly disinclined to doing so in this instance. If I may be allowed to say so, a great disinclination (répugnance) might be expected in England, to disposing by anticipation (d'escompter) of the succession of an old friend and ally.

The rule is a good one, the Emperor replied, good at all times, especially in times of uncertainty and change, like the present; still it is of the greatest importance that we should understand one another, and not allow events to take us by surprise; " maintenant je désire vous parler en ami et en *gentleman;* si nous arrivons à nous entendre sur cette affaire, l'Angleterre et moi, pour le reste, peu m'importe; il m'est indifférent ce que font ou pensent les autres. Usant donc de franchise, je vous dis nettement, que si l'Angleterre songe à s'établir un de ces jours à Constantinople, je ne le permettrai pas; je ne vous prête point ces intentions, mais il vaut mieux dans ces occasions parler clairement; de mon côté, je suis également disposé de prendre l'engagement de ne pas m'y établir, en propriétaire, il s'entend, car en dépositaire je ne dis pas; il pourrait se faire que les circonstances me misent dans le cas d'occuper Constantinople, si rien ne se trouve prévu, si l'on doit tout laisser aller au hazard."*

I thanked His Majesty for the frankness of his declarations, and for the desire which he had expressed of acting cordially and openly with Her Majesty's Government, observing at the same time, that such an understanding appeared the best security against the sudden danger to which His Majesty had alluded. I added that, although unprepared to give a decided opinion upon questions of such magnitude and delicacy, it appeared to me possible that some such arrangement might be made between Her Majesty's Government and His Majesty, as might guard, if not for, at least against, certain contingencies.

To render my meaning more clear I said further: I can only repeat, Sir, that in my opinion, Her Majesty's Government will be indisposed to make certain arrangements connected with the downfall of Turkey, but it is possible that they may be ready to pledge themselves against certain arrangements which might, in that event, be attempted.

His Imperial Majesty then alluded to a conversation which he had held, the last time he was in England, with the Duke of Wellington, and to the

* " Now I desire to speak to you as a friend and as a *gentleman;* if England and I arrive at an understanding of this matter, as regards the rest, it matters little to me; it is indifferent to me what others do or think. Frankly, then, I tell you plainly, that if England thinks of establishing herself one of these days at Constantinople, I will not allow it. I do not attribute this intention to you, but it is better on these occasions to speak plainly; for my part, I am equally disposed to take the engagement not to establish myself there, as proprietor that is to say, for as occupier I do not say: it might happen that circumstances, if no previous provision were made, if everything should be left to chance, might place me in the position of occupying Constantinople."

motives which had compelled him to open himself to his Grace; then, as now, His Majesty was, he said, eager to provide against events which, in the absence of any concert, might compel him to act in a manner opposed to the views of Her Majesty's Government.

The conversation passed to the events of the day, when the Emperor briefly recapitulated his claims upon the Holy Places, claims recognised by the Firman of last February, and confirmed by a sanction to which His Majesty said he attached much more importance—the word of a Sovereign.

The execution of promises so made, and so ratified, the Emperor said he must insist upon, but was willing to believe that his object would be attained by negotiation, the last advices from Constantinople being rather more satisfactory.

I expressed my belief that negotiation, followed, as I supposed it had been, by the threats of military measures, would be found sufficient to secure a compliance with the just demands of Russia. I added, that I desired to state to His Majesty what I had previously read from a written paper to his Minister, viz., that what I feared for Turkey were not the intentions of His Majesty, but the actual result of the measures which appeared to be in contemplation. That I would repeat, that two consequences might be anticipated from the appearance of an Imperial army on the frontiers of Turkey,—the one the counter-demonstration which might be provoked on the part of France; the other, and the more serious, the rising, on the part of the Christian population, against the Sultan's authority, already so much weakened by revolts, and by a severe financial crisis.

The Emperor assured me that no movement of his forces had yet taken place (n'ont pas bougé), and expressed his hope that no advance would be required.

With regard to a French expedition to the Sultan's dominions, His Majesty intimated that such a step would bring affairs to an immediate crisis; that a sense of honour would compel him to send his forces into Turkey without delay or hesitation; that if the result of such an advance should prove to be the overthrow of the Great Turk (le Grand Turc), he should regret the event, but should feel that he had acted as he was compelled to do.

To the above report I have only, I think, to add, that the Emperor desired to leave it to my discretion to communicate or not to his Minister the particulars of our conversation; and that before I left the room, His Imperial Majesty said, You will report what has passed between us to the Queen's Government, and you will say that I shall be ready to receive any communication which it may be their wish to make to me upon the subject.

The other topics touched upon by the Emperor are mentioned in another despatch. With regard to the extremely important overture to which this report relates, I will only observe, that as it is my duty to record impressions, as well as facts and statements, I am bound to say, that if words, tone, and manner offer any criterion by which intentions are to be judged, the Emperor is prepared to act with perfect fairness and openness towards Her Majesty's Government. His Majesty has, no doubt, his own objects in view; and he is, in my opinion, too strong a believer in the imminence of dangers in Turkey. I am, however, impressed with the belief, that in carrying out those objects, as in guarding against those dangers, His Majesty is sincerely desirous of acting in harmony with Her Majesty's Government.

I would now submit to your Lordship that this overture cannot with propriety pass unnoticed by Her Majesty's Government.

It has been on a first occasion glanced at, and on a second distinctly made by the Emperor himself to the Queen's Minister at his Court, whilst the conversation held some years ago with the Duke of Wellington proves that the object in view is one which has long occupied the thoughts of His Imperial Majesty.

If, then, the proposal were to remain unanswered, a decided advantage would be secured to the Imperial Cabinet, which, in the event of some great catastrophe taking place in Turkey, would be able to point to proposals made to England, and which, not having been responded to, left the Emperor at liberty, or placed him under the necessity, of following his own line of policy in the East.

Again, I would remark that the anxiety expressed by the Emperor, even looking to his own interests, for an extension of the days "of the dying man," appears to me to justify Her Majesty's Government in proposing to His Imperial

Majesty to unite with England in the adoption of such measures as may lead to prop up the falling authority of the Sultan.

Lastly, I would observe that even if the Emperor should be found disinclined to lend himself to such a course of policy as might arrest the downfall of Turkey, his declarations to me pledge him to be ready to take beforehand, in concert with Her Majesty's Government, such precautions as may possibly prevent the fatal crisis being followed by a scramble for the rich inheritance which would remain to be disposed of.

A noble triumph would be obtained by the civilization of the nineteenth century, if the void left by the extinction of Mahommedan rule in Europe could be filled up without an interruption of the general peace, in consequence of the precautions adopted by the two principal Governments the most interested in the destinies of Turkey.

I have, &c.
(Signed) G. H. SEYMOUR.

No. 3.

Sir G. H. Seymour to Lord John Russell.—(Received February 6.)

(Secret and Confidential.)

(Extract.) *St. Petersburgh, January 22, 1853.*

I HAVE generally found straightforward conduct to be the best policy, and as it is peculiarly called for towards those who have acted by us in a similar manner, upon leaving the palace on the 14th instant I drove to the Foreign Office, and gave Count Nesselrode a correct summary of the conversation I had just had the honour of holding with the Emperor.

No. 4.

Lord John Russell to Sir G. H. Seymour.

(Secret and Confidential.)

Sir, *Foreign Office, February 9, 1853.*

I HAVE received, and laid before the Queen, your secret and confidential despatch of the 22nd of January.

Her Majesty, upon this as upon former occasions, is happy to acknowledge the moderation, the frankness, and the friendly disposition of His Imperial Majesty.

Her Majesty has directed me to reply in the same spirit of temperate, candid, and amicable discussion.

The question raised by His Imperial Majesty is a very serious one. It is, supposing the contingency of the dissolution of the Turkish Empire to be probable, or even imminent, whether it is not better to be provided beforehand for a contingency, than to incur the chaos, confusion, and the certainty of an European war, all of which must attend the catastrophe if it should occur unexpectedly, and before some ulterior system has been sketched; this is the point, said His Imperial Majesty, to which I am desirous that you should call the attention of your Government.

In considering this grave question, the first reflection which occurs to Her Majesty's Government is that no actual crisis has occurred which renders necessary a solution of this vast European problem. Disputes have arisen respecting the Holy Places, but these are without the sphere of the internal government of Turkey, and concern Russia and France rather than the Sublime Porte. Some disturbance of the relations between Austria and the Porte has been caused by the Turkish attack on Montenegro; but this, again, relates rather to dangers affecting the frontier of Austria than the authority and safety of the Sultan; so that there is no sufficient cause for intimating to the Sultan that he cannot keep peace at home, or preserve friendly relations with his neighbours.

It occurs further to Her Majesty's Government to remark, that the event which is contemplated is not definitely fixed in point of time. When William the Third and Louis the Fourteenth disposed, by treaty, of the succession of Charles the Second of Spain, they were providing for an event which could not be far off. The infirmities of the Sovereign of Spain, and the certain end of any human life, made the contingency in prospect both sure and near. The death of the Spanish King was in no way hastened by the Treaty of Partition. The same thing may be said of the provision, made in the last century, for the disposal of Tuscany upon the decease of the last prince of the house of Medici. But the contingency of the dissolution of the Ottoman Empire is of another kind. It may happen twenty, fifty, or a hundred years hence.

In these circumstances it would hardly be consistent with the friendly feelings towards the Sultan which animate the Emperor of Russia, no less than the Queen of Great Britain, to dispose beforehand of the provinces under his dominion. Besides this consideration, however, it must be observed, that an agreement made in such a case tends very surely to hasten the contingency for which it is intended to provide. Austria and France could not, in fairness, be kept in ignorance of the transaction, nor would such concealment be consistent with the end of preventing an European war. Indeed, such concealment cannot be intended by His Imperial Majesty. It is to be inferred that, as soon as Great Britain and Russia should have agreed on the course to be pursued, and have determined to enforce it, they should communicate their intentions to the Great Powers of Europe. An agreement thus made, and thus communicated, would not be very long a secret; and while it would alarm and alienate the Sultan, the knowledge of its existence would stimulate all his enemies to increased violence and more obstinate conflict. They would fight with the conviction that they must ultimately triumph; while the Sultan's generals and troops would feel that no immediate success could save their cause from final overthrow. Thus would be produced and strengthened that very anarchy which is now feared, and the foresight of the friends of the patient would prove the cause of his death.

Her Majesty's Government need scarcely enlarge on the dangers attendant on the execution of any similar Convention. The example of the Succession War is enough to show how little such agreements are respected when a pressing temptation urges their violation. The position of the Emperor of Russia as depositary, but not proprietor, of Constantinople, would be exposed to numberless hazards, both from the long-cherished ambition of his own nation, and the jealousies of Europe. The ultimate proprietor, whoever he might be, would hardly be satisfied with the inert, supine attitude of the heirs of Mahomet the Second. A great influence on the affairs of Europe seems naturally to belong to the Sovereign of Constantinople, holding the gates of the Mediterranean and the Black Sea.

That influence might be used in favour of Russia; it might be used to control and curb her power.

His Imperial Majesty has justly and wisely said: My country is so vast, so happily circumstanced in every way, that it would be unreasonable in me to desire more territory or more power than I possess. On the contrary, he observed, our great, perhaps our only danger, is that which would arise from an extension given to an Empire already too large. A vigorous and ambitious State, replacing the Sublime Porte, might, however, render war on the part of Russia a necessity for the Emperor or his successors.

Thus European conflict would arise from the very means taken to prevent it; for neither England nor France, nor probably Austria, would be content to see Constantinople permanently in the hands of Russia.

On the part of Great Britain, Her Majesty's Government at once declare that they renounce all intention or wish to hold Constantinople. His Imperial Majesty may be quite secure upon this head. They are likewise ready to give an assurance that they will enter into no agreement to provide for the contingency of the fall of Turkey without previous communication with the Emperor of Russia.

Upon the whole, then, Her Majesty's Government are persuaded that no course of policy can be adopted more wise, more disinterested, more beneficial to Europe than that which His Imperial Majesty has so long followed, and which will render his name more illustrious than that of the most famous

Sovereigns who have sought immortality by unprovoked conquest and epheal glory.

With a view to the success of this policy it is desirable that the utmost forbearance should be manifested towards Turkey; that any demands which the Great Powers of Europe may have to make, should be made matter of friendly negotiation rather than of peremptory demand; that military and naval demonstrations to coerce the Sultan should as much as possible be avoided; that differences with respect to matters affecting Turkey, within the competence of the Sublime Porte, should be decided after mutual concert between the Great Powers, and not be forced upon the weakness of the Turkish Government.

To these cautions Her Majesty's Government wish to add, that in their view it is essential that the Sultan should be advised to treat his Christian subjects in conformity with the principles of equity and religious freedom which prevail generally among the enlightened nations of Europe. The more the Turkish Government adopts the rules of impartial law and equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection which His Imperial Majesty has found so burthensome and inconvenient, though no doubt prescribed by duty and sanctioned by Treaty.

You may read this despatch to Count Nesselrode, and, if it is desired, you may yourself place a copy of it in the hands of the Emperor. In that case you will accompany its presentation with those assurances of friendship and confidence on the part of Her Majesty the Queen, which the conduct of His Imperial Majesty was so sure to inspire.

I am, &c.
(Signed) J. RUSSELL.

No. 5.

Sir G. H. Seymour to Lord John Russell.—(Received March 6.)

(Secret and Confidential.)

(Extract.) *St. Petersburgh, February* 21, 1853.

THE Emperor came up to me last night, at a party of the Grand Duchess Hereditary's, and in the most gracious manner took me apart, saying that he desired to speak to me. After expressing, in flattering terms, the confidence which he has in me, and his readiness to speak to me without reserve upon matters of the greatest moment, as, His Majesty observed, he had proved in a late conversation, he said: And it is well it is so; for what I most desire is, that there should be the greatest intimacy between the two Governments: it never was so necessary as at present. Well, the Emperor continued, so you have got your answer, and you are to bring it to me to-morrow?

I am to have that honour, Sir, I answered; but your Majesty is aware that the nature of the reply is very exactly what I had led you to expect.

So I was sorry to hear; but I think your Government does not well understand my object. I am not so eager about what shall be done when the sick man dies, as I am to determine with England what shall not be done upon that event taking place.

But, Sir, I replied, allow me to observe, that we have no reason to think that the sick man (to use your Majesty's expression) is dying. We are as much interested as we believe your Majesty to be in his continuing to live; while for myself, I will venture to remark that experience shows me that countries do not die in such a hurry. Turkey will remain for many a year, unless some unforeseen crisis should occur. It is precisely, Sir, for the avoidance of all circumstances likely to produce such a crisis, that Her Majesty's Government reckons upon your generous assistance.

Then, rejoined the Emperor, I will tell you, that if your Government has been led to believe that Turkey retains any elements of existence, your Government must have received incorrect information. I repeat to you that the sick man is dying; and we can never allow such an event to take us by surprise. We must come to some understanding; and this we should do, I am

convinced, if I could hold but ten minutes' conversation with your Ministers—with Lord Aberdeen, for instance, who knows me so well, who has full confidence in me, as I have in him. And remember, I do not ask for a Treaty or a Protocol; a general understanding is all I require—that between gentlemen is sufficient; and in this case I am certain that the confidence would be as great on the side of the Queen's Ministers as on mine. So no more for the present; you will come to me to-morrow, and you will remember that as often as you think your conversing with me will promote a good understanding upon any point, you will send word that you wish to see me.

I thanked His Majesty very cordially, adding that I could assure him that Her Majesty's Government, I was convinced, considered his word, once given, as good as a bond.

It is hardly necessary that I should observe to your Lordship, that this short conversation, briefly but correctly reported, offers matter for most anxious reflection.

It can hardly be otherwise but that the Sovereign who insists with such pertinacity upon the impending fall of a neighbouring State, must have settled in his own mind that the hour, if not of its dissolution, at all events for its dissolution, must be at hand.

Then, as now, I reflected that this assumption would hardly be ventured upon unless some, perhaps general, but at all events intimate, understanding, existed between Russia and Austria.

Supposing my suspicion to be well founded, the Emperor's object is to engage Her Majesty's Government, in conjunction with his own Cabinet and that of Vienna, in some scheme for the ultimate partition of Turkey, and for the exclusion of France from the arrangement.

No. 6.

Sir G. H. Seymour to Lord John Russell.—(Received March 6.)

(Secret and Confidential.)

(Extract.) *St. Petersburgh, February* 22, 1853.

I HAD the honour of waiting yesterday upon the Emperor, and of holding with his Majesty one of the most interesting conversations in which I ever found myself engaged. My only regret is my inability to report in full detail a dialogue which last an hour and twelve miuutes.

The Emperor began by desiring me to read to him aloud your Lordship's secret and confidential despatch of the 9th instant, saying that he should stop me occasionally, either to make an observation, or to call upon me for the translation of a passage.

Upon arriving at the fourth paragraph, the Emperor desired me to pause, and observed, that he was certainly most desirous that some understanding should be entered into with Her Majesty's Government, for providing against a contingency so probable as that of the downfall of Turkey; that he was, perhaps, even more interested than England could be in preventing a Turkish catastrophe, but that it was constantly impending; that it might be brought about at any moment, either by an external war, or by a feud between the old Turkish party and that of the "new superficial French reforms," or again, by a rising of the Christians, already known to be very impatient of shaking off the Mussulman yoke (joug). As regards the first cause, the Emperor said that he had a good right to advert to it, inasmuch as, if he had not stopped the victorious progress of General Diebitch in 1829, the Sultan's authority would have been at an end.

The Emperor likewise desired me to remember that he, and he only, had hastened to the assistance of the Sultan, when his dominions were threatened by the Pasha of Egypt.

I proceeded to read, and was again stopped at the sentence beginning "In these circumstances it would hardly be consistent with the friendly feelings," when the Emperor observed, that Her Majesty's Government did not appear to be aware that his chief object was to obtain from Her Majesty's Government

some declaration, or even opinion, of what ought not to be permitted in the event of the sudden downfall of Turkey. I said, Perhaps your Majesty would be good enough to explain your own ideas upon this negative policy. This His Majesty for some time declined doing; he ended, however, by saying: Well, there are several things which I never will tolerate: I will begin by ourselves. I will not tolerate the permanent occupation of Constantinople by the Russians; having said this, I will say that it never shall be held by the English, or French, or any other great nation. Again, I never will permit an attempt at the reconstruction of a Byzantine Empire, or such an extension of Greece as would render her a powerful State; still less will I permit the breaking up of Turkey into little republics, asylums for the Kossuths and Mazzinis, and other revolutionists of Europe; rather than submit to any of these arrangements I would go to war, and as long as I have a man and a musket left would carry it on. These, the Emperor said, are at once some ideas; now give me some in return.

I remarked upon the assurance which would be found respecting the English resolution of never attempting to possess Constantinople, and upon the disinclination of Her Majesty's Government to enter into eventual arrangements; but upon being still pressed by His Imperial Majesty, I said: Well, Sir, the idea may not suit your Majesty, may not suit Her Majesty's Government; but what is good between man and man is often a good system between one State and another;—how would it be if in the event of any catastrophe occurring in Turkey, Russia and England were to declare that no Power should be allowed to take possession of its provinces,—that the property should remain, as it were, under seals until amicable arrangements could be made as to its adjudication?

I will not say, the Emperor observed, that such a course would be impossible, but, at least, it would be very difficult; there are no elements of provincial or communal government in Turkey: you would have Turks attacking Christians, Christians falling upon Turks, Christians of different sects quarrelling with each other; in short, chaos and anarchy.

Sir, I then observed, if your Majesty will allow me to speak plainly, I would say that the great difference between us is this: that you continue to dwell upon the fall of Turkey, and the arrangements requisite before and after the fall; and that we, on the contrary, look to Turkey remaining where she is, and to the precautions which are necessary for preventing her condition from becoming worse. Ah! replied the Emperor, that is what the Chancellor is perpetually telling me; but the catastrophe will occur some day, and will take us all unawares.

His Imperial Majesty spoke of France. God forbid, he said, that I should accuse any one wrongfully, but there are circumstances both at Constantinople and Montenegro which are extremely suspicious; it looks very much as if the French Government were endeavouring to embroil us all in the East, hoping in this way the better to arrive at their own objects, one of which, no doubt, is the possession of Tunis.

The Emperor proceeded to say, that for his own part he cared very little what line the French might think proper to take in Eastern affairs, and that little more than a month ago he had apprised the Sultan that if his assistance were required for resisting the menaces of the French, it was entirely at the service of the Sultan!

In a word, the Emperor went on to observe, As I before told you, all I want is a good understanding with England, and this not as to what shall, but as to what shall not be done; this point arrived at, the English Government and I, I and the English Government, having entire confidence in one another's views, I care nothing about the rest.

I remarked that I felt confident that Her Majesty's Government could be as little disposed as His Imperial Majesty to tolerate the presence of the French at Constantinople; and being desirous, if possible, of ascertaining whether there were any understanding between the Cabinets of St. Petersburgh and Vienna, I added, But your Majesty has forgotten Austria; now all these Eastern questions affect her very nearly; she of course would expect to be consulted.

Oh! replied the Emperor, greatly to my surprise, but you must understand that when I speak of Russia, I speak of Austria as well; what suits the one suits the other; our interests as regards Turkey are perfectly identical. I

should have been glad to have made another inquiry or two upon this subject, but I did not venture to do so.

I ought to have stated that in a preceding part of the conversation, His Majesty, although without any appearance of anger, expressed some surprise at an expression in your Lordship's despatch, "the long-cherished ambition of his (the Emperor's) own nation;" he would ask what that phrase meant?

It happened that I was prepared for the surprise expressed, and ready to answer any reflection which it might call forth.

Sir, I said, Lord John Russell is not speaking of your ambition, he speaks of that entertained by your people.

The Emperor could not at first admit that the phrase was applicable to the Russian nation any more than to himself; when I said, Your Majesty will permit me to remark that Lord John Russell only repeats what was said thirty years ago by your brother, of glorious memory. In writing confidentially to Lord Castlereagh in the year 1822, the Emperor Alexander spoke of being the only Russian who resisted the views of his subjects upon Turkey, and of the loss of popularity which he had sustained by this antagonism.

This quotation which, by accident, I could make almost in the words of the letter, seemed to change the current of the Emperor's ideas.

You are quite right, he said; I remember the events to which my late brother alluded. Now it is perfectly true that the Empress Catherine indulged in all sorts of visions of ambition, but it is not less so that these ideas are not at all shared by her descendants.

You see how I am behaving towards the Sultan. This gentleman (ce monsieur) breaks his written word to me, and acts in a manner extremely displeasing to me, and I have contented myself with despatching an Ambassador to Constantinople to demand reparation: certainly I could send an army there if I chose, there is nothing to stop them; but I have contented myself with such a show of force as will prove that I have no intention of being trifled with.

And, Sir, I said, you were quite right in refraining from violence, and I hope upon future occasions you will act with the same moderation; for your Majesty must be sensible that any fresh concessions which have been obtained by the Latins are not referable to ill-will towards you, but to the excessive apprehensions of the French entertained by the unfortunate Turks; besides, Sir, I observed, the danger, I will venture to say, of the present moment is not Turkey, but that revolutionary spirit which broke out four years ago, and which, in many countries, still burns underground; there is the danger, and no doubt that a war in Turkey would be the signal for fresh explosions in Italy, Hungary, and elsewhere. We see what is passing at Milan.

His Imperial Majesty spoke of Montenegro, observing that he approved of the attitude taken by the Austrian Cabinet, and that in these days it could not be permitted that the Turks should illtreat and even murder a Christian population.

I ventured to remark that upon this point the wrongs were at least divided between the Turks and the Montenegrins, and that I had full reason for believing that the provocation came from the latter. The Emperor, with more impartiality than I had expected, admitted that there had been wrongs on both sides; that certainly the mountaineers were rather addicted to brigandage; and that the taking of Djablak had caused him great indignation. At the same time, His Majesty said, it is impossible not to feel great interest in a population warmly attached to their religion, who have so long kept their ground against the Turks; and the Emperor continued, It may be fair to tell you that if any attempts at exterminating those people should be made by Omar Pasha, and should a general rising of the Christians take place in consequence, the Sultan will in all probability lose his throne; in this case he falls to rise no more. I wish to support his authority, but if he loses it, it is gone for ever. The Turkish Empire is a thing to be tolerated, not to be reconstructed; in such a cause I protest to you I will not allow a pistol to be fired.

The Emperor went on to say that in the event of the dissolution of the Ottoman Empire, he thought it might be less difficult to arrive at a satisfactory territorial arrangement than was commonly believed. The Principalities are, he said, in fact an independent State under my protection: this might so continue. Servia might receive the same form of Government. So again with

Bulgaria: there seems to be no reason why this province should not form an independent State.

As to Egypt, I quite understand the importance to England of that territory. I can then only say, that if, in the event of a distribution of the Ottoman succession upon the fall of the Empire, you should take possession of Egypt, I shall have no objections to offer. I would say the same thing of Candia: that island might suit you, and I do not know why it should not become an English possession.

As I did not wish that the Emperor should imagine that an English public servant was caught by this sort of overture, I simply answered, that I had always understood that the English views upon Egypt did not go beyond the point of securing a safe and ready communication between British India and the mother country.

The conversation now drawing towards an end, the Emperor expressed his warm attachment to the Queen our gracious Sovereign, and his respect for Her Majesty's present advisers. The declarations contained in your Lordship's despatch had been, he said, very satisfactory: he could only desire that they should be a little amplified. The terms in which your Lordship had spoken of his conduct, were, the Emperor said, very flattering to him.

In dismissing me, His Imperial Majesty said, Well, induce your Government to write again upon these subjects—to write more fully, and to do so without hesitation; I have confidence in the English Government. "Ce n'est point un engagement, une Convention, que je leur demande; c'est un libre échange d'idées, et au besoin une parole de *gentleman;* entre nous cela suffit."*

I might venture to suggest that some expressions might be used in the despatch to be addressed to me, which might have the effect of putting an end to the further consideration, or, at all events, discussion, of points which it is highly desirable should not be regarded as offering subject for debate.

I may only add, apologetically, that I may possibly have failed in reporting some parts of His Majesty's conversation, and that I am conscious of having forgotten the precise terms employed by him with respect to the commercial policy to be observed at Constantinople when no longer held by the Turks.

The purport of the observation was, that England and Russia had a common interest in providing for the readiest access to the Black Sea and the Mediterranean.

A copy of your Lordship's despatch was left in the Emperor's hands.

No. 7.

Sir G. H. Seymour to the Earl of Clarendon.—(Received March 19.)

(Secret and Confidential.)

(Extract.) *St. Petersburgh, March* 9, 1853.

WHEN I waited upon Count Nesselrode on the 7th instant, his Excellency said that, in pursuance of orders which he had received from the Emperor, he had to place in my hands a very confidential memorandum, which His Imperial Majesty had caused to be drawn up, and which was intended as an answer to, or a comment upon, the communication which I had made to His Imperial Majesty on the 21st ultimo.

At first, Count Nesselrode invited me to read the paper; he subsequently observed that if, instead of reading it at the time, I chose to take it away, I was at liberty to do so; that, in fact, the paper was intended for my use (*sic.*).

Very little conversation upon the subject passed between the Chancellor and me. He observed that I should find in the memorandum indications of the Emperor's wish to be further informed of the feelings of Her Majesty's Government as to what should not be permitted to take place in the event of any great catastrophe in Turkey; and I, on my side, remarked that, as there is danger in handling hot coals, it appeared to me desirable that communications upon a subject so delicate should not be long kept up.

* "It is not an engagement, a Convention, which I ask of them; it is a free interchange of ideas, and, in case of need, the word of a gentleman; that is enough between us."

I have the honour of inclosing to your Lordship a copy of what, under the circumstances which have attended its drawing up and delivery, cannot fail of being considered as one of the most remarkable papers which have been issued, I do not say from the Russian "Chancellerie," but from the Emperor's secret Cabinet.

It would not be difficult either to controvert some of the facts which the memorandum advances, or to show that the impression under which it has been framed is an incorrect one; that impression being evidently that, in the disputes carried on between Russia and France, Her Majesty's Government has leant partially to the latter Power.

Three points appear to me to be fully established by the Imperial memorandum: the existence of some distinct understanding between the two Imperial Courts upon the subject of Turkey, and the engagement taken by the Emperor Nicholas neither to possess or establish himself at Constantinople, or to enter into arrangements respecting the measures to be taken in the event of the fall of the Ottoman Empire without previous concert with Her Majesty's Government.

The wording of this engagement, coupled with the conversation which I had the honour of holding with the Emperor, leaves upon my mind the impression that, whilst willing to undertake not to make himself the permanent master of Constantinople, His Majesty is intentionally inexplicit as to its temporary occupation.

Assuming, as a certain and now acknowledged fact, the existence of an understanding or compact between the two Emperors as to Turkish affairs, it becomes of the deepest importance to know the extent of the engagements entered into between them. As to the manner in which it has been concluded, I conjecture that little doubt is to be entertained.

Its basis was, no doubt, laid at some of the meetings between the Sovereigns which took place in the autumn; and the scheme has probably been worked out since under the management of Baron Meyendorff, the Russian Envoy at the Austrian Court, who has been passing the winter at St. Petersburgh, and is still here.

Inclosure in No. 7.

Memorandum.

21 *Février*, 1853.

L'EMPEREUR a pris connaissance avec le plus vif intérêt et une véritable satisfaction de la dépêche secrète et confidentielle que lui a communiquée Sir Hamilton Seymour. Il apprécie dûment la franchise qui l'a dictée. Il y a trouvé une nouvelle preuve des sentiments d'amitié que lui porte Sa Majesté la Reine.

En s'entretenant familièrement avec l'Envoyé Britannique, sur les causes qui d'un jour à l'autre peuvent amener la chute de l'Empire Ottoman, il n'était point entré dans la pensée de l'Empereur de proposer pour cette éventualité un plan par lequel la Russie et l'Angleterre disposeraient d'avance des provinces régies par le Sultan—un système tout fait; encore moins une transaction formelle à conclure entre les deux Cabinets. Dans l'idée de l'Empereur il s'est agi purement et simplement de se dire confidentiellement des deux parts, moins ce qu'on veut que ce qu'on ne veut pas; ce qui serait contraire aux intérêts Anglais, ce qui le serait aux intérêts Russes; afin que, le cas échéant, on évitât d'agir en contradiction des uns ou des autres.

Il n'y a là ni projets de partage, ni Convention à rendre obligatoire aux autres Cours. C'est un simple échange d'opinions, et l'Empereur ne voit point qu'il soit nécessaire d'en parler avant le tems. C'est précisément pour cela qu'il s'était bien gardé d'en vouloir faire l'objet d'une communication officielle de Cabinet à Cabinet. En se bornant à en parler lui-même, sous forme de conversation familière, au Représentant de la Reine, il a choisi le mode le plus intime et le plus confidentiel de s'ouvrir franchement à Sa Majesté Britannique, désirant que le résultat quelconque de ces pourparlers demeurât ce qu'il doit être, un secret entre les deux Souverains.

Dès lors tombent les objections qu'élève Lord John Russell contre toute réticence qui serait faite aux autres Puissances pour le cas d'une transaction formelle, dont il n'est nullement question pour le moment; et dès lors aussi disparaissent les inconvéniens qu'il signale comme pouvant servir à accélérer l'évènement même que la Russie et l'Angleterre ont à cœur de prévenir, si l'existence d'une transaction pareille venait à être connue prématurément de l'Europe, et des sujets du Sultan.

Quant à l'objet même de cet échange d'opinions tout intime—la chute possible de l'Empire Ottoman—ce n'est là sans doute qu'une éventualité incertaine et lointaine. On n'en saurait à coup sûr fixer l'époque, et aucune crise réelle n'est survenue qui en rende imminente la réalisation. Mais enfin elle peut arriver, arriver même inopinément. Sans parler des causes toujours croissantes de dissolution que présente l'état moral, financier, administratif de la Porte, elle peut sortir progressivement de l'une au moins des deux questions mentionnées par le Ministère Anglais dans sa dépêche secrète. A la vérité, il n'y voit que de simples disputes qui ne dépasseraient pas la portée des difficultés dont s'occupe d'ordinaire la diplomatie. Mais ce genre de disputes là peut néanmoins amener la guerre, et avec la guerre les conséquences qu'en appréhende l'Empereur; si, par exemple, dans l'affaire des Lieux Saints l'amour-propre et les menaces de la France, continuant à peser sur la Porte, obligent celle-ci à nous refuser toute satisfaction, et si, d'un autre côté, le sentiment religieux des Grecs Orthodoxes, outragé par les concessions faites aux Latins, soulève contre le Sultan l'immense majorité de ses sujets. Quant à l'affaire du Monténégro, on peut heureusement aujourd'hui, d'après les dernières nouvelles, la regarder comme arrangée. Mais au moment où l'Empereur a eu son entretien avec Sir Hamilton Seymour, on pouvait craindre que la question ne prît une tournure des plus graves. Ni nous ni l'Autriche n'aurions pu permettre la dévastation prolongée ou la soumission forcé du Monténégro, pays resté jusqu'ici dans une indépendance effective de la Porte, pays auquel notre protection s'étend depuis plus d'un siècle. Les horreurs qui s'y commettent; celles que le fanatisme Ottoman à étendues, il y a peu de tems, sur la Bulgarie, la Bosnie, et la Herzégovine, ne faisaient que trop prévoir aux autres provinces Chrétiennes de la Porte que le même sort les attendait. Elles étaient de nature à provoquer le soulèvement général des Chrétiens qui vivent sous le sceptre de l'Empire Turc, et à précipiter sa ruine. Ce n'est donc pas, tant s'en faut, une question oiseuse et imaginaire, une éventualité trop lointaine, que les préoccupations de l'Empereur ont signalée à l'attention de la Reine son alliée.

En présence de l'incertitude et de la caducité de l'état actuel des choses en Turquie, le Cabinet Anglais exprime le désir qu'il soit fait usage envers la Porte de la plus grande longanimité. L'Empereur a la conscience de n'avoir jamais agi autrement. Le Cabinet Anglais en convient lui-même. Il adresse à l'Empereur sur les nombreuses preuves de modération qu'il à donnés jusqu'à ce jour, des éloges que Sa Majesté n'acceptera point, parcequ'elle n'a fait qu'obéir en cela à ses convictions impérieuses. Mais, pour que l'Empereur puisse continuer à concourir à ce même système de longanimité, s'abstenir de toutes démonstrations, de tout langage péremptoire, il faudrait que ce système fût suivi également par toutes les Puissances à la fois. La France en a adopté un autre. C'est par la menace qu'elle a obtenu, contre la lettre des Traités, l'admission d'un vaisseau de guerre dans les Dardanelles. C'est à la bouche du canon qu'elle à présenté par deux fois ses réclamations et demandes d'indemnités à Tripoli, puis à Constantinople. C'est encore par l'intimidation que, dans la contestation des Lieux Saints, elle a amené l'annulation du firman et celle des promesses solennelles que le Sultan avait données à l'Empereur. Devant tous ces actes de prépotence l'Angleterre a gardé un silence complet. Elle n'a fait ni offres d'appui à la Porte, ni remontrances au Gouvernement Français. La conséquence en est toute claire. La Porte a dû nécessairement en conclure que de la France seule elle a tout à espérer, comme à craindre, et qu'elle peut impunément éluder les réclamations de l'Autriche et de la Russie. C'est ainsi que la Russie et l'Autriche, afin d'obtenir justice, se sont vues à leur tour, contre leur gré, obligées d'agir par l'intimidation, puisqu'elles ont affaire à un Gouvernement qui ne cède que devant une attitude péremptoire; et c'est ainsi que par sa faute, ou plutôt par celle de ceux qui l'ont d'avance affaiblie, la Porte est poussée dans une voie qui l'affaiblit encore davantage. Que l'Angleterre s'emploie donc à lui faire entendre raison. Qu'au lieu de

s'unir à la France contre les justes réclamations de la Russie, elle se garde d'appuyer, ou même de paraître, appuyer, les résistances du Gouvernement Ottoman. Qu'elle soit la première à inviter celui-ci, comme elle-même le juge essentiel, à traiter ses sujets Chrétiens avec plus d'équité et d'humanité. Ce sera le plus sûr moyen d'épargner à l'Empereur l'obligation de se prévaloir en Turquie de ces droits de protection traditionnelle dont il n'use que malgré lui, et de reculer indéfiniment la crise que l'Empereur et Sa Majesté la Reine tiennent également à prévenir.

En somme l'Empereur ne peut que se féliciter d'avoir provoqué entre elle et lui cet échange intime de confidences. Il y a trouvé de précieuses assurances, dont il prend acte avec une vive satisfaction. Les deux Souverains se sont dit franchement ce que, dans l'hypothèse extrême dont ils traitent, leurs intérêts respectifs ne sauraient comporter. L'Angleterre comprend que la Russie ne saurait permettre à Constantinople l'établissement d'une Puissance Chrétienne assez forte pour la contrôler et l'inquiéter. Elle déclare que, pour elle-même, elle renonce à toute intention ou désir de posséder Constantinople. L'Empereur désavoue également tout désir ou dessein de s'y établir. L'Angleterre promet qu'elle n'entrera dans aucun arrangement tendant à statuer sur les dispositions à prendre dans le cas de la chûte de l'Empire Turc sans s'en être préalablement concerté avec l'Empereur. L'Empereur, de son côté, contracte volontiers le même engagement. Comme il sait qu'en pareille occurrence, il peut également compter sur l'Autriche, engagée par ses promesses à se concerter avec lui, il envisage avec moins de crainte la catastrophe que son désir sera toujours de conjurer et d'éloigner autant qu'il pourra dépendre de lui.

Non moins précieux lui ont été les témoignages d'amitié et de confiance personnelle de la part de Sa Majesté la Reine, dont Sir Hamilton Seymour a été chargé à cette occasion de se rendre l'organe auprès de lui. Il y voit la garantie la plus sûre contre l'avenir que sa prévoyance avait cru devoir signaler à celle du Gouvernement Anglais.

(Translation.)

February 21, 1853.

THE Emperor has, with the liveliest interest and real satisfaction, made himself acquainted with the secret and confidential despatch which Sir Hamilton Seymour communicated to him. He duly appreciates the frankness which has dictated it. He has found therein a fresh proof of the friendly sentiments which Her Majesty the Queen entertains for him.

In conversing familiarly with the British Envoy on the causes which, from one day to another, may bring on the fall of the Ottoman Empire, it had by no means entered into the Emperor's thoughts to propose for this contingency a plan by which Russia and England should dispose beforehand of the provinces ruled by the Sultan—a system altogether arranged; still less a formal agreement to be concluded between the two Cabinets. It was purely and simply the Emperor's notion that each party should confidentially state to the other, less what it wishes than what it does not wish; what would be contrary to English interests, what would be contrary to Russian interests; in order that, the case occurring, they might avoid acting in opposition to each other.

There is in this neither plans of partition, nor Convention to be binding on the other Courts. It is merely an interchange of opinions, and the Emperor sees no necessity of talking about it before the time. It is precisely for that reason that he took especial care not to make it the object of an official communication from one Cabinet to another. By confining himself to speaking of it himself, in the shape of familiar conversation, to the Queen's Representative, he selected the most friendly and confidential form of opening himself with frankness to Her Britannic Majesty, being desirous that the result, whatsoever it might be, of these communications should remain, as it ought to be, a secret between the two Sovereigns.

Consequently, the objections which Lord John Russell raises to any concealment as regards the other Powers, in the event of a formal agreement being entered into, of which there is at present no question, fall to the ground; and consequently, also, the inconveniences disappear, which he points out as calculated to contribute to hasten the occurrence of the very event which

Russia and England are desirous of averting, if the existence of such an agreement should become prematurely known to Europe and to the subjects of the Sultan.

As regards the object of this wholly confidential interchange of opinions, the possible downfall of the Ottoman Empire, doubtless that is but an uncertain and remote contingency. Unquestionably the period of it cannot be fixed, and no real crisis has arisen to render the realization of it immiment. But after all it may happen; happen even unexpectedly. Without mentioning the ever increasing causes of dissolution which are presented by the moral, financial, and administrative condition of the Porte, it may proceed gradually from one, at least, of the two questions mentioned by the English Ministry in its secret despatch. In truth, it perceives in those questions only mere disputes, which would not differ in their bearing from difficulties which form the ordinary business of diplomacy. But that kind of dispute may, nevertheless, bring on war, and with war the consequences which the Emperor apprehends from it; if, for instance, in the affair of the holy places, the *amour-propre* and the menaces of France, continuing to press upon the Porte, should compel it to refuse us all satisfaction, and if, on the other hand, the religious sentiments of the orthodox Greeks, offended by the concessions made to the Latins, should raise the immense majority of his subjects against the Sultan. As regards the affair of Montenegro, that, according to the late accounts, may happily be looked upon as settled. But at the time that the Emperor had his interview with Sir Hamilton Seymour it might be apprehended that the question would take a most serious turn. Neither ourselves nor Austria could have allowed the protracted devastation or forced submission of Montenegro, a country which, up to the present time, has continued actually independent of the Porte, a country over which our protection has been extended for more than a century. The horrors which are committed there, those which, by Ottoman fanaticism, have a short time since been extended over Bulgaria, Bosnia, and the Herzegovine, gave the other Christian provinces of the Porte only too much reason to anticipate that the same fate awaited them. They were calculated to provoke the general rising of the Christians who live under the sceptre of the Turkish Empire, and to hasten its ruin. It is not then, by any means, an idle and imaginary question, a contingency too remote, to which the anxiety of the Emperor has called the attention of the Queen his ally.

In the face of the uncertainty and decay of the existing state of things in Turkey the English Cabinet expresses the desire that the greatest forbearance should be shown towards the Porte. The Emperor is conscious of never having acted otherwise. The English Cabinet itself admits it. It addresses to the Emperor, with reference to the numerous proofs of moderation which he has given up to the present time, praises which His Majesty will not accept, because in that he has only listened to his own overbearing conviction. But, in order that the Emperor may continue to concur in that system of forbearance, to abstain from any demonstrations—from any peremptory language—it would be necessary that this system should be equally observed by all the Powers at once. France has adopted another. By menace she obtained, in opposition to the letter of the Treaties, the admission of a ship of the line into the Dardanelles. At the cannon's mouth she twice presented her claims and her demands for indemnity at Tripoli, and afterwards at Constantinople. Again, in the contest respecting the holy places, by menace she effected the abrogation of the firman and that of the solemn promises which the Sultan had given the Emperor. With regard to all these acts of violence England observed a complete silence. She neither offered support to the Porte nor addressed remonstrances to the French Government. The consequence is very evident. The Porte necessarily concluded from this that from France alone it has everything to hope, as well as everything to fear, and that it can evade with impunity the demands of Austria and of Russia. It is thus that Austria and Russia, in order to obtain justice, have seen themselves compelled in their turn, against their will, to act by intimidation, since they have to do with a Government which only yields to a peremptory attitude; and it is thus that by its own fault, or rather by that of those who have weakened it in the first instance, the Porte is urged on in a course which enfeebles it still more. Let England then employ herself in making it listen to reason. Instead of uniting herself with France against the just demands of Russia, let her avoid

supporting, or even appearing to support, the resistance of the Ottoman Government. Let her be the first to invite the latter, as she herself considers it essential to treat its Christian subjects with more equity and humanity. That will be the surest means of relieving the Emperor from the obligation of availing himself in Turkey of those rights of traditional protection to which he never has recourse but against his will, and of postponing indefinitely the crisis which the Emperor and Her Majesty the Queen are equally anxious to avert.

In short, the Emperor cannot but congratulate himself at having given occasion for this intimate interchange of confidential communications between Her Majesty and himself. He has found therein valuable assurances, of which he takes note with a lively satisfaction. The two Sovereigns have frankly explained to each other what in the extreme case of which they have been treating their respective interests cannot endure. England understands that Russia cannot suffer the establishment at Constantinople of a Christian Power sufficiently strong to control and disquiet her. She declares that for herself she renounces any intention or desire to possess Constantinople. The Emperor equally disclaims any wish or design of establishing himself there. England promises that she will enter into no arrangement for determining the measures to be taken in the event of the fall of the Turkish Empire without a previous understanding with the Emperor. The Emperor, on his side, willingly contracts the same engagement. As he is aware that in such a case he can equally reckon upon Austria, who is bound by her promises to concert with him, he regards with less apprehension the catastrophe which he still desires to prevent and avert as much as it shall depend on him to do so.

No less precious to him are the proofs of friendship and personal confidence on the part of Her Majesty the Queen, which Sir Hamilton Seymour has been directed on this occasion to impart to him. He sees in them the surest guarantee against the contingency which his foresight had deemed it right to point out to that of the English Government.

No. 8.

Sir G. H. Seymour to the Earl of Clarendon.—(Received March 19.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, March 9, 1853.*

AS it appears very evident that the secret memorial which, by a despatch of this day, I have the honour of bringing to your Lordship's knowledge, has been drawn up under a complete misapprehension (real or assumed) of the part taken by Her Majesty's Government in the late Turkish affairs, I have thought it my duty to address to Count Nesselrode the private and confidential letter of which I beg to inclose a copy to your Lordship.

I have, &c.

(Signed) G. H. SEYMOUR.

Inclosure in No. 8.

Sir G. H. Seymour to Count Nesselrode.

(Private and Confidential.)

My dear Count Nesselrode, *St. Petersburgh, $\frac{\text{February } 24}{\text{March } 8}$, 1853.*

THERE is an observation respecting the very important memorandum placed yesterday by your Excellency in my hands, which I feel obliged to make.

I am most anxious to observe that this paper must have been drawn up under the impression of English policy at Constantinople having been very different from what in reality it has been.

I can affirm, conscientiously and distinctly, that the object proposed to themselves, as well by the late as by Her Majesty's present Government, has been to act as a common friend in the contests between the allied Governments; and that far rom having inclined, as has been stated, to France in the course

of the late critical transactions, it has been the desire of the Queen's advisers (to the full extent permitted to a Government compelled to observe a neutral attitude) that ample satisfaction should be given to the demands which His Imperial Majesty's Government were justified in making.

This assertion I should have no difficulty in substantiating by written evidence; and I will add, that in any just demand which England may have to make upon a foreign Cabinet, I only desire that the conduct of a friendly Power towards us may be that which quietly and unostentatiously the English Government has pursued in the complicated question of the Holy Places with regard to the claims of Russia.

I request your Excelleney's good offices for causing this, the real state of the case, to be rightly understood; at all events, for preventing a contrary belief from being adopted until it shall be clearly ascertained whether or no my statement is correct.

I have, &c.
(Signed) G. H. SEYMOUR.

No. 9.

Sir G. H. Seymour to the Earl of Clarendon.—(*Received March* 19.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, March* 10, 1853.

I HAVE just had a very amicable and satisfactory conversation with the Chancellor, who, under the impression of my letter of the 8th instant having originated in a misconception with regard to the Emperor's memorandum, had desired to see me.

We read over the memorandum together, and Count Nesselrode observed that all that was desired here was, that while appealing to the Emperor's magnanimity and feelings of justice, Her Majesty's Government should employ some efforts towards opening the eyes of the French Ministers as to the false course into which they have been led by M. de Lavalette.

To this I replied that such had been the conduct pursued by Her Majesty's Government, not on one occasion, but on various occasions; and that as a specimen of the language held by your Lordship's predecessor to the French Government, I would beg to read to him an extract from one of Lord John Russell's despatches.

I read accordingly the five or six lines of Lord John Russell's despatch to Lord Cowley of January 28,* beginning, "But Her Majesty's Government cannot avoid perceiving," and concluding with, "the relations of friendly Powers," which passage I had copied out and taken with me.

Count Nesselrode expressed his warm satisfaction at finding that Her Majesty's Government had given such excellent advice to the French Government; and only regretted that he had not been long ago put in possession of evidence so conclusive, as to the part taken upon the question of the Holy Places by Her Majesty's Principal Secretary of State for Foreign Affairs.

In conclusion, the Chancellor requested that I would consider the passage in the Imperial memorandum commencing with the words, "Que l'Angleterre s'emploie donc," as expressing a hope, and not as implying a reproach,—as referable to the course which it was desired should be taken by Her Majesty's Government, and not as alluding to that which had been pursued.

I have, &c.
(Signed) G. H. SEYMOUR.

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* Part I, p. 67.

No. 10.

The Earl of Clarendon to Sir G. H. Seymour.

(Secret and Confidential.)

Sir, *Foreign Office, March* 23, 1853.

YOUR despatches of the 21st and 22nd ultimo have been laid before the Queen, and I am commanded to express Her Majesty's entire approval of the discretion and judgment displayed by you in the conversations which you had the honour to hold with the Emperor.

I need not assure you that the opinions of His Imperial Majesty have received from Her Majesty's Government the anxious and deliberate consideration that their importance demands; and although Her Majesty's Government feel compelled to adhere to the principles and the policy laid down in Lord John Russell's despatch of the 9th of February, yet they gladly comply with the Emperor's wish that the subject should be further and frankly discussed. The generous confidence exhibited by the Emperor entitles His Imperial Majesty to the most cordial declaration of opinion on the part of Her Majesty's Government, who are fully aware that, in the event of any understanding with reference to future contingencies being expedient, or indeed possible, the word of His Imperial Majesty would be preferable to any Convention that could be framed.

Her Majesty's Government persevere in the belief that Turkey still possesses the elements of existence, and they consider that recent events have proved the correctness of the opinion expressed in the despatch of my predecessor, that there was no sufficient cause for intimating to the Sultan that he cannot keep peace at home, or preserve friendly relations with his neighbours.

Her Majesty's Government have accordingly learnt, with sincere satisfaction, that the Emperor considers himself even more interested than England in preventing a Turkish catastrophe; because they are convinced that upon the policy pursued by His Imperial Majesty towards Turkey, will mainly depend the hastening or the indefinite postponement of an event which every Power in Europe is concerned in averting. Her Majesty's Government are convinced that nothing is more calculated to precipitate that event than the constant prediction of its being near at hand; that nothing can be more fatal to the vitality of Turkey than the assumption of its rapid and inevitable decay; and that if the opiniou of the Emperor, that the days of the Turkish Empire were numbered, became notorious, its downfall must occur even sooner than His Imperial Majesty now appears to expect.

But on the supposition that, from unavoidable causes, the catastrophe did take place, Her Majesty's Government entirely share the opinion of the Emperor, that the occupation of Constantinople by either of the great Powers would be incompatible with the present balance of power and the maintenance of peace in Europe, and must at once be regarded as impossible; that there are no elements for the reconstruction of a Byzantine Empire; that the systematic misgovernment of Greece offers no encouragement to extend its territorial dominion; and that as there are no materials for provincial or communal government, anarchy would be the result of leaving the provinces of Turkey to themselves, or permitting them to form separate republics.

The Emperor has announced that sooner than permit a settlement of the question by any one of these methods, he will be prepared for war at every hazard; and however much Her Majesty's Government may be disposed to agree in the soundness of the views taken by His Imperial Majesty, yet they consider that the simple predetermination of what shall not be tolerated, does little towards solving the real difficulties, or settling in what manner it would be practicable, or even desirable, to deal with the heterogeneous materials of which the Turkish Empire is composed.

England desires no territorial aggrandizement, and could be no party to a previous arrangement from which she was to derive any such benefit. England could be no party to any understanding, however general, that was to be kept secret from other Powers; but Her Majesty's Government believe that no arrangements could control events, and that no understanding could be kept

secret. They would, in the opinion of Her Majesty's Government, be the signal for preparation for intrigues of every description, and for revolts among the Christian subjects of the Porte. Each Power and each party would endeavour to secure its future interests, and the dissolution of the Turkish Empire would be preceded by a state of anarchy which must aggravate every difficulty, if it did not render a peaceful solution of the question impossible.

The only mode by which such a solution could be attempted would be that of an European Congress, but that only affords an additional reason for desiring that the present order of things in Turkey should be maintained, as Her Majesty's Government cannot without alarm reflect on the jealousies that would then be evoked, the impossibility of reconciling the different ambitions and the divergent interests that would be called into play, and the certainty that the Treaties of 1815 must then be open to revision, when France might be prepared to risk the chances of an European war to get rid of the obligations which she considers injurious to her national honour, and which, having been imposed by victorious enemies, are a constant source of irritation to her.

The main object of Her Majesty's Government, that to which their efforts have been and always will be directed, is the preservation of peace; and they desire to uphold the Turkish Empire, from their conviction that no great question can be agitated in the East without becoming a source of discord in the West, and that every great question in the West will assume a revolutionary character, and embrace a revision of the entire social system, for which the continental Governments are certainly in no state of preparation.

The Emperor is fully cognizant of the materials that are in constant fermentation beneath the surface of society, and their readiness to burst forth even in times of peace; and His Imperial Majesty will probably, therefore, not dissent from the opinion that the first cannon-shot may be the signal for a state of things more disastrous even than those calamities that war inevitably brings in its train.

But such a war would be the result of the dissolution and dismemberment of the Turkish Empire; and hence the anxiety of Her Majesty's Government to avert the catastrophe. Nor can they admit that the signs of Turkish decay are now either more evident or more rapid than of late years: there is still great energy and great wealth in Turkey; a disposition to improve the system of government is not wanting; corruption, though unfortunately great, is still not of a character, nor carried to an extent, that threatens the existence of the State; the treatment of Christians is not harsh, and the toleration exhibited by the Porte towards this portion of its subjects might serve as an example to some Governments who look with contempt upon Turkey as a barbarous Power.

Her Majesty's Government believe that Turkey only requires forbearance on the part of its allies, and a determination not to press their claims in a manner humiliating to the dignity and independence of the Sultan,—that friendly support, in short, that, with States as with individuals, the weak are entitled to expect from the strong,—in order not only to prolong its existence, but to remove all cause of alarm respecting its dissolution.

It is in this work of benevolence and of sound European policy that Her Majesty's Government are desirous of cooperating with the Emperor; they feel entire confidence in the rectitude of His Imperial Majesty's intentions, and as they have the satisfaction of thinking that the interests of Russia and England in the East are completely identical, they entertain an earnest hope that a similar policy there will prevail, and tend to strengthen the alliance between the two countries, which it is alike the object of Her Majesty and Her Majesty's Government to promote.

You will give a copy of this despatch to the Chancellor, or to the Emperor, in the event of your again having the honour to be received by His Imperial Majesty.

I am, &c.
(Signed) CLARENDON.

No. 11.

Sir G. H. Seymour to the Earl of Clarendon.—(Received March 26.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, March 12, 1853.*

THE Chancellor sent for me this morning, when he placed in my hands a copy of the memorandum which was brought to your Lordship's knowledge by my despatch of the 9th instant.

Upon this copy the Emperor had written in pencil, that he was sorry to find that Sir Hamilton Seymour had considered a passage in the paper as reflecting upon the conduct of Her Majesty's Government; that no reproach had been intended, and that the Chancellor would do well to see me and to state that if it should be my wish, the paper might be taken back and altered.

After a few moments' reflection it occurred to me that the explanations which I had received were sufficient, so that a record could be obtained of the Emperor's amicable intentions, and that the paper, if taken back, might be altered in more than one of its passages; I therefore stated, that instead of changing the memorandum, I would suggest that his Excellency should write me a few lines explanatory of the purport of the passage which I had considered objectionable.

To this the Chancellor at once acceded, and it only remained for me to request that his Excellency would be kind enough to express to the Emperor how sensibly I felt his gracious solicitude to efface a disagreeable impression.

I have, &c

(Signed) G. H. SEYMOUR.

No. 12.

Sir G. H. Seymour to the Earl of Clarendon.—(Received April 4.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, March 16, 1853.*

WITH reference to the despatch marked "secret and confidential," which I had the honour of addressing to your Lordship on the 12th instant, I beg to transmit in original the letter which Count Nesselrode undertook to write to me expressive of the Emperor's willingness to change the passage in his memorandum which I had considered open to some misinterpretation.

I have, &c.

(Signed) G. H. SEYMOUR.

Inclosure in No. 12.

Count Nesselrode to Sir G. H. Seymour.

$\frac{3}{15}$ *Mars*, 1853.

A L'EXPLICATION que j'ai eu l'honneur de vous offrir verbalement, mon cher Sir Hamilton, je me fais un plaisir d'ajouter, qu'ayant porté vos doutes à la connaissance de l'Empereur, Sa Majesté m'a autorisé à modifier le passage qui les a fait naître dans votre esprit, si toutefois vous le jugiez nécessaire. L'Empereur désire avant tout écarter d'une communication toute personnelle et amicale avec le Gouvernement de Sa Majesté la Reine, ce qui pourrait donner lieu à une interprétation même erronnée, qui serait contraire aux intentions qui l'ont dictée, comme au but que Sa Majesté se propose.

Veuillez, &c.

(Signé) NESSELRODE.

(Translation.)

March $\frac{3}{15}$, 1853.

I HAVE the pleasure, my dear Sir Hamilton, to add to the explanation which I had the honour to offer to you verbally, that having communicated your doubts to the Emperor, His Majesty has authorized me to modify the passage which had caused you to entertain them, at least if you should consider it necessary. The Emperor is, above all things, desirous of removing from a communication altogether personal and friendly with the Government of Her Majesty the Queen, what might give occasion even to an erroneous interpretation, which would be contrary to the intentions by which it was dictated, as also to the object which His Majesty proposes to himself.

Be pleased, &c.

(Signed) NESSELRODE.

No. 13.

The Earl of Clarendon to Sir G. H. Seymour.

(Secret and Confidential.)

Sir, *Foreign Office, April* 5, 1853.

YOUR despatches of the 9th, 10th, and 12th ultimo have been laid before the Queen.

My despatch of the 23rd ultimo will have furnished you with answers upon all the principal points alluded to in the memorandum which Count Nesselrode placed in your hands; but it is my duty to inform you that that important and remarkable document was received by Her Majesty's Government with feelings of sincere satisfaction, as a renewed proof of the Emperor's confidence and friendly feelings; and Her Majesty's Government desire to convey their acknowledgments to His Imperial Majesty for having thus placed on record the opinions he expressed at the interview with which you were honoured by His Imperial Majesty.

Her Majesty's Government do not consider that any useful purpose would be served by prolonging a correspondence upon a question with respect to which a complete understanding has been established; and I have only, therefore, further to state, that Her Majesty's Government observe with pleasure that, in the opinion of the Emperor, the fall of the Turkish Empire is looked upon as an uncertain and distant contingency, and that no real crisis has occurred to render its realisation imminent.

Her Majesty's Government have never any wish to disguise their policy, which they trust is honest and straightforward towards all other countries; but on such a question they would particularly regret that any misapprehension existed on the mind of the Emperor, and they accordingly approve of the confidential note which you addressed to Count Nesselrode, for the purpose of rectifying some ideas which reflected upon the course pursued by Her Majesty's Government.

On the subject of the "Charlemagne" coming up to the Bosphorus, a correspondence took place between the English and French Governments, and although the Porte gave its sanction unconditionally, the eventual solution of the question was in conformity with the opinion of Her Majesty's Government, and it was settled that the "Charlemagne" should convey M. de Lavalette to Constantinople, under which circumstances it was stated that the passage of the French ship of war would not be further remonstrated against by Her Majesty's Government, but that it must not be drawn into a precedent.

As regards the holy places, you are aware of the instructions given to Colonel Rose for his guidance at the Porte, and of the despatch addressed to Her Majesty's Ambassador at Paris, which was communicated to the French Government, and I have further to inform you that Viscount Stratford de Redcliffe was instructed to bear in mind that Her Majesty's Government, without professing to give an opinion on the subject, were not insensible to the superior claims of Russia, both as respected the treaty obligations of Turkey,

and the loss of moral influence that the Emperor would sustain throughout his dominions, if, in the position occupied by His Imperial Majesty with reference to the Greek Church, he was to yield any privileges it had hitherto enjoyed to the Latin Church, of which the Emperor of the French claimed to be the protector.

With respect to the advice which the Emperor recommends should be given to the Porte by Her Majesty's Government, you will inform the Chancellor that Viscount Stratford de Redcliffe was directed to return to his post, and a special character was given to his mission by an autograph letter from Her Majesty, under the impression that the Porte would be better disposed to listen to moderate counsels, when offered by one of Viscount Stratford de Redcliffe's high position and great knowledge and experience of Turkish affairs; and he was particularly desired to advise the Porte to treat its Christian subjects with the utmost leniency.

Upon this latter point Her Majesty's Government are inclined to believe that the Turkish Government are at length awakened to a sense of their own true interests. At the beginning of this year we know that orders were sent to Kiamil Pasha to proceed instantly to Bosnia in order to redress Christian grievances, and to empower the Christian communities to build churches. About the same time also the Porte sent the strongest instructions to Omar Pasha, to act with unvaried moderation and humanity towards his enemies (the Montenegrins); and the English Vice-Consul at Scutari confirmed all the previous statements that the inhabitants of Montenegro committed an unprovoked attack on the troops and subjects of the Porte; while the accounts that have reached Her Majesty's Government respecting the atrocities said to have been committed by the Turks in Bosnia, Herzegovine, and Montenegro, are extracted from Austrian newspapers, and must necessarily, therefore, be received with caution.

I have only in conclusion to add, that as Her Majesty and the Emperor have now mutually renewed the assurances of their intention to uphold the independence and integrity of the Turkish Empire, it is the earnest desire of Her Majesty's Government that the Representatives of the two Powers may henceforward cooperate together in carrying out this intention by giving similar advice in the same friendly spirit to the Porte.

You are instructed to read this despatch to the Chancellor, and to furnish him with a copy, should he desire it.

I am, &c.
(Signed) CLARENDON.

No. 14.

Sir G. H. Seymour to the Earl of Clarendon.—(Received May 2.)

(Secret and Confidential.)

(Extract.) *St. Petersburgh, April 20, 1853.*

THE Emperor on rising from table when I had the honour of dining at the Palace on the 18th instant, desired me to follow him into the next room.

His Majesty then said that he had wished to state to me the real and sincere satisfaction which he received from your Lordship's despatch marked Secret and Confidential of the 23rd ultimo.

It had been, His Majesty said, most agreeable to him to find that the overtures which he had addressed to Her Majesty's Government had been responded to in the same friendly spirit in which they were made; that, to use a former expression, there was nothing in which he placed so much reliance as "la parole d'un gentilhomme;" that he felt that the relations of the two Courts stood upon a better basis now that a clear understanding had been obtained as to points which, if left in doubt, might have been productive of misintelligence, and, as His Majesty was pleased to add, he felt obliged to me for having contributed towards bringing about this friendly *entente*

And His Majesty said, I beg you to understand that what I have pledged myself to will be equally binding upon my successor; there now exist memorandums of my intentions, and whatever I have promised, my son, if the changes alluded to should occur in his time, will be as ready to perform as his father would have been.

The Emperor proceeded to state that he would very frankly offer an observation or two—it might be a criticism—on your Lordship's despatch.

The despatch spoke of the fall of the Turkish Enpire as an uncertain and distant event: he would remark that the one term excluded the other; uncertain it was certainly, but for that reason not necessarily remote: he desired it might be, but he was not sure that it might so prove.

His Majesty desired further to observe that he could not doubt that Her Majesty's Government had taken too favourable a view of the state of the Christian population in Turkey; the Sultan might have intended to better their condition, might have given orders in that sense, but he was quite certain that his commands had not been attended to.

Upon my remarking that Her Majesty's Government were understood to receive very accurate reports of what passes in Turkey, the Emperor replied with considerable animation that he called this fact in question; that he believed on the contrary that some of the English Consular agents were incorrect in their reports: he would only refer to Bulgaria; the greatest discontent prevailed there, and His Majesty would affirm that were it not for his continued efforts to repress the manifestation of feelings of the sort, the Bulgarians would some time since have been in insurrection.

His Majesty proceeded to contrast the threatening attitude which had been assumed by Count Leiningen with the peaceable character of Prince Menchikoff's mission, not, however, that he desired to blame the Emperor of Austria, a noble Prince, whom he loved sincerely, and all of whose acts he approved; the difference existed in circumstances, and when Montenegro was threatened with utter devastation, the Emperor of Austria was obliged to act with energy; His Majesty would, he said, have acted in the same manner.

I am desirous of remarking here, that part of the Emperor's observations were, it was obvious, addressed to me personally, and were intended as a reply as well to an allusion which I had made as to religious intolerance in Tuscany, as to my comments to the Chancellor upon the conduct of the Austrian Cabinet with regard to the late confiscatory measures in Lombardy.

His Majesty, after observing that according to the accounts just received (those of the 29th ultimo) little or no progress had been made towards an adjustment of difficulties at Constantinople, said that as yet he had not moved a ship or a battalion; that he had not done so from motives of consideration for the Sultan and from economical motives; but that he would repeat that he had no intention of being trifled with, and that if the Turks did not yield to reason, they would have to give way to an approach of danger.

I ventured to remark to the Emperor, that it was only by the despatches just arrived that he had received intelligence of the landing at Pera of the French Ambassador, who was understood to be a party to the arrangements about to be concluded; the indirect answer, however, returned to me by His Majesty, and the expressions which he used, lead me to apprehend that this consideration did not receive the attention of which in fairness it appears to me deserving.

No. 15.

Sir G. H. Seymour to the Earl of Clarendon.—(*Received May* 2.)

(Secret and Confidential.)

My Lord, *St. Petersburgh, April* 21, 1853.

I HAVE had the honour of receiving your Lordship's despatch marked Secret and Confidential of the 5th instant, which, in obedience to your Lordship's orders, I communicated to Count Nesselrode on the 15th instant.

His Excellency, before the arrival of this messenger, had desired to see me for the purpose of communicating to me a paper which had been drawn up by the Emperor's desire, and which was to be considered as an answer to your Lordship's despatch of the 23rd ultimo.

This document, which I beg to transmit in original, was accordingly placed in my hands by the Chancellor, who observed that he had previously thought that it would close the correspondence, but that it was possible that the fresh despatch which I had brought to his knowledge might, upon being laid before the Emperor, call for some fresh observations on the part of His Majesty.

The only passage in the inclosed paper to which Count Nesselrode was desirous of drawing my attention, was that in which an observation is made respecting the treatment of the Christian population as described by English or by Russian agents.

I remarked, in reply, that the point was the less material, Her Majesty's Government being (as his Excellency had been made aware) as desirous as the Imperial Cabinet could be that no effort should be wanting on the part of the Porte to remove any and every cause of complaint which could be made in justice by the Sultan's Christian subjects.

Your Lordship will perhaps allow me to observe, that supposing the present crisis in Turkish affairs to pass over, an intimation is made in the inclosed paper, which, if taken up and embodied in a joint resolution by all the great Powers, might possibly be the means of long averting a catastrophe which, happen when it may, will probably have disastrous consequences even to those to whom it may be considered the most profitable.

Since the preceding part of this despatch was written, the Chancellor has intimated to me that the Emperor, being of opinion that the paper which I now inclose, followed up by the conversation which I had the honour of holding with His Majesty on the 18th, may be considered as replying to any points touched upon in your Lordship's despatch, does not propose to offer any fresh observation upon the subjects which have been under discussion. His Excellency does not conceal from me his satisfaction at this resolution, these subjects being, as he remarked, of so delicate a nature, that there are always objections to their being brought under discussion.

I have, &c.
(Signed) G. H. SEYMOUR.

Inclosure in No. 15.

Memorandum.

L'EMPEREUR a pris connaissance avec une vive satisfaction de la dépêche de Lord Clarendon du 23 Mars. Sa Majesté se félicite de voir que ses vues et celles du Cabinet Anglais coincident entièrement au sujet des combinaisons politiques qu'il faudrait principalement éviter pour le cas extrême où viendrait à s'accomplir en Orient l'éventualité que la Russie et l'Angleterre ont également à cœur de prévenir, ou au moins de reculer dans l'avenir le plus lointain possible. Partageant en général les opinions émises par Lord Clarendon sur la nécessité du maintien prolongé en Turquie de l'état de choses actuel, l'Empereur ne saurait cependant se dispenser de relever ici un point de détail, qui lui fait supposer que les informations reçues par le Gouvernement Britannique ne sont pas tout-à-fait d'accord avec les nôtres. Il s'agit de l'humanité et de la tolérance dont la Turquie ferait preuve dans sa manière de traiter ses sujets Chrétiens.

Abstraction faite de bien d'autres exemples antérieurs du contraire, il est pourtant de notoriété qu'en dernier lieu les cruautés commises par les Turcs en Bosnie ont forcé des centaines de familles Chrétiennes à chercher refuge en Autriche. Au reste, sans vouloir entrer ici en discussion sur les symptomes plus ou moins palpables de décadence que présente la Puissance Ottomane, ou le plus ou moins de vitalité que peut conserver sa constitution intérieure, l'Empereur conviendra volontiers que la meilleur moyen de soutenir la durée du Gouvernement Turc, est de ne point le fatiguer par des exigences impérieuses appuyées d'une manière humiliante pour son indépendance et sa dignité. Sa Majesté est disposée, comme elle l'a été constamment, à agir dans ce système, bien entendu toutefois que la même règle de conduite sera observée indistinctement et unanimement par chacune des Grandes Puissances, et qu'aucune d'elles n'abusera de la faiblesse de la Porte pour en obtenir des concessions qui tourneraient au détriment des autres. Ceci posé, l'Empereur se déclare prêt à travailler de concert avec l'Angleterre à l'œuvre commune de prolonger l'existence de l'Empire Turc, en écartant toute cause d'alarmes au sujet de sa dissolution. Il accueille avec empressement les témoignages que lui offre le Cabinet Britannique d'une pleine confiance dans la droiture de ses sentiments, et l'espoir que, sur cette base, son alliance avec l'Angleterre ne pourra que se fortifier.

St. Pétersbourg, le $\frac{3}{15}$ *Avril,* 1853.

(Translation.)

THE Emperor has, with lively satisfaction, made himself acquainted with Lord Clarendon's despatch of the 23rd of March. His Majesty congratulates himself on perceiving that his views and those of the English Cabinet entirely coincide on the subject of the political combinations which it would be chiefly necessary to avoid in the extreme case of the contingency occurring in the East which Russia and England have equally at heart to prevent, or, at all events, to delay as long as possible. Sharing generally the opinions expressed by Lord Clarendon on the necessity of the prolonged maintenance of the existing state of things in Turkey, the Emperor, nevertheless, cannot abstain from adverting to a special point which leads him to suppose that the information received by the British Government is not altogether in accordance with ours. It refers to the humanity and the toleration to be shown by Turkey in her manner of treating her Christian subjects.

Putting aside many other examples to the contrary of an old date, it is, for all that, notorious that recently the cruelties committed by the Turks in Bosnia forced hundreds of Christian families to seek refuge in Austria. In other respects, without wishing on this occasion to enter upon a discussion as to the symptoms of decay, more or less evident, presented by the Ottoman Power, or the greater or less degree of vitality which its internal constitution may retain, the Emperor will readily agree that the best means of upholding the duration of the Turkish Government is not to harass it by overbearing demands, supported in a manner humiliating to its independence and its dignity. His Majesty is disposed, as he has ever been, to act upon this system, with the clear understanding, however, that the same rule of conduct shall be observed, without distinction, and unanimously, by each of the great Powers, and that none of them shall take advantage of the weakness of the Porte to obtain from it concessions which might turn to the prejudice of the others. This principle being laid down, the Emperor declares that he is ready to labour, in concert with England, at the common work of prolonging the existence of the Turkish Empire, setting aside all cause of alarm on the subject of its dissolution. He readily accepts the evidence offered by the British Cabinet of entire confidence in the uprightness of his sentiments, and the hope that, on this basis, his alliance with England cannot fail to become stronger.

St. Petersburgh, April $\frac{3}{15}$, 1853.

PART V.

EASTERN PAPERS.

COMMUNICATIONS respecting Turkey made to Her Majesty's Government by the Emperor of Russia, with the Answers returned to them.

January to April 1853.

Presented to both Houses of Parliament by Command of Her Majesty. 1854.

LONDON:
PRINTED BY HARRISON AND SONS.

PROTOCOL

RELATIVE TO THE

ADMISSION OF BRITISH SUBJECTS IN TURKEY

TO THE

RIGHT OF HOLDING REAL PROPERTY.

Signed at Constantinople, July 28, 1868.

Presented to both Houses of Parliament by Command of Her Majesty,
1869.

LONDON:
PRINTED BY HARRISON AND SONS.

BOMBAY BRANCH
OF THE
Royal Asiatic Society.
CLASS

Protocol relative to the Admission of British Subjects in Turkey to the Right of Holding Real Property.

Signed at Constantinople, July 28, 1868.

Protocole.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté Impériale le Sultan, désirant constater, par un acte spécial, l'entente intervenue entre Eux sur l'admission des sujets Anglais en Turquie au droit de propriété immobilière, concédé aux étrangers par la Loi promulguée en date du 7 Sefer, 1284, ont autorisé—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, son Excellence le Très-Honorable Henry Elliot, Son Ambassadeur à Constantinople;

Et Sa Majesté Impériale le Sultan, son Altesse Fuad Pacha, son Ministre des Affaires Etrangères;

A signer le Protocole dont la teneur suit:—

PROTOCOLE.

La loi qui accorde aux étrangers le droit de propriété immobilière ne porte aucune atteinte aux immunités consacrées par les Traités, et qui continueront à couvrir la personne et les biens meubles des étrangers devenus propriétaires d'immeubles.

L'exercice de ce droit de propriété devant engager les étrangers à s'établir en plus grand nombre sur le territoire Ottoman, le Gouvernement Impérial croit de son devoir de prévoir et de prévenir les difficultés auxquelles l'application de cette loi pourrait donner lieu dans certaines localités. Tel est l'objet des arrangements qui vont suivre.

La demeure de toute personne habitant le sol Ottoman étant inviolable, et nul ne pouvant y pénétrer sans le consentement du maître, si ce n'est en vertu d'ordres émanés de l'autorité compétente et avec l'assistance du magistrat ou fonctionnaire investi des pouvoirs nécessaires, la demeure du sujet étranger est inviolable au même titre, conformément aux Traités; et les agents de la force publique ne peuvent y pénétrer sans l'assistance du Consul ou du délégué du Consul dont relève cet étranger.

On entend par demeure la maison d'habitation et ses attenances, c'est-à-dire, les communs, cours, jardins et enclos contigus, à l'exclusion de toutes les autres parties de la propriété.

Dans les localités éloignées de moins de neuf heures de la résidence Consulaire, les agents de la force publique ne pourront pénétrer dans la demeure d'un étranger sans l'assistance du Consul, comme il est dit plus haut. De son côté, le Consul est tenu de prêter son assistance immédiate à l'autorité locale, de telle sorte qu'il ne s'écoule pas plus de six heures entre l'instant où il aura été prévenu et l'instant de son départ ou du départ de son délégué, afin que l'action de l'autorité ne puisse jamais être suspendue durant plus de vingt-quatre heures.

Dans les localités éloignées de neuf heures ou de plus de neuf heures de marche de la résidence de l'Agent Consulaire, les agents de la force publique pourront, sur la réquisition de l'autorité locale et avec l'assistance de trois Membres du Conseil des Anciens de la commune, pénétrer dans la demeure d'un sujet étranger, sans être assistés de l'Agent Consulaire, mais seulement en cas d'urgence et pour la recherche ou la constatation du crime de meurtre, de tentative de meurtre, d'incendie, de vol à main armée ou avec effraction, ou de nuit, dans une maison habitée, de rébellion armée et de fabrication de fausse monnaie; et ce, soit que le crime ait été commis par un sujet étranger ou par un sujet Ottoman, et soit qu'il ait eu lieu dans l'habitation de l'étranger, ou en dehors de cette habitation et dans quelque autre lieu que ce soit.

Ces dispositions ne sont applicables qu'aux parties de la propriété qui constituent la demeure telle qu'elle a été définie plus haut. En dehors de la demeure, l'action de la police s'exercera librement et sans réserve; mais dans le cas ou un individu prévenu de

crime ou de délit serait arrêté et que ce prévenu serait un sujet étranger, les immunités attachées à sa personne devraient être observées à son égard.

Le fonctionnaire ou officier chargé de l'accomplissement de la visite domiciliaire, dans les circonstances exceptionnelles déterminées plus haut, et les Membres du Conseil des Anciens qui l'assisteront, seront tenus de dresser procès-verbal de la visite domiciliaire et de le communiquer immédiatement à l'autorité supérieure dont ils relèvent, qui le transmettra elle-même et sans retard à l'Agent Consulaire le plus rapproché.

Un réglement spécial sera promulgué par la Sublime Porte pour déterminer le mode d'action de la police locale dans les différents cas prévus plus haut.

Dans les localités distantes de plus de neuf heures de la résidence de l'Agent Consulaire et dans lesquelles la loi sur l'organisation judiciaire du vilayet sera en vigueur, les sujets étrangers seront jugés, sans l'assistance du Délégué Consulaire, par le Conseil des Anciens remplissant les fonctions de Juge de Paix, et par le Tribunal du Caza, tant pour les contestations n'excédant pas mille piastres que pour les contraventions n'entraînant que la condamnation à une amende de 500 piastres au maximum.

Les sujets étrangers auront dans tous les cas le droit d'interjeter appel par devant le Tribunal du Sandjak des sentences rendues comme il est dit ci-dessus; et l'appel sera suivi et jugé avec l'assistance du Consul, conformément aux Traités.

L'appel suspendra toujours l'exécution.

Dans tous les cas l'exécution forcée des sentences rendues dans les conditions déterminées plus haut ne pourra avoir lieu sans le concours du Consul ou de son délégué.

Le Gouvernement Impérial édictera une loi qui déterminera les règles de procédure à observer par les parties dans l'application des dispositions qui précèdent.

Les sujets étrangers, en quelque localité que ce soit, sont autorisés à se rendre spontanément justiciables du Conseil des Anciens ou des Tribunaux des Cazas, sans l'assistance du Consul, dans les contestations dont l'objet n'excède pas la compétence de ces Conseils ou Tribunaux, sauf le droit d'appel par devant le Tribunal du Sandjak, où la cause sera appelée et jugée avec l'assistance du Consul ou de son délégué.

Toutefois, le consentement du sujet étranger à se faire juger comme il est dit plus haut sans l'assistance du Consul, devra être ~~donné par écrit et préalablement à toute~~ procédure.

Il est bien entendu que toutes ces restrictions ne concernent point les procès qui ont pour objet une question de propriété immobilière, lesquels seront poursuivis et jugés dans les conditions établies par la loi.

Le droit de défense et la publicité des audiences sont assurés en toute matière aux étrangers qui comparaîtront devant les Tribunaux Ottomans, aussi bien qu'aux sujets Ottomans.

Les arrangements qui précèdent resteront en vigueur jusqu'à la révision des anciens Traités, révision sur laquelle la Sublime Porte se réserve de provoquer ultérieurement une entente entre elle et les Puissances amies.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Protocole et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le vingt-huitième jour du mois de Juillet, de l'année dix huit cent soixante-huit.

(L.S.) HENRY ELLIOT. (L.S.) FUAD.

Loi concédant aux Etrangers le Droit de Propriété Immobilière dans l'Empire Ottoman.

RESCRIT IMPÉRIAL.

"Qu'il soit fait en conformité du contenu."

Le 7 Sépher, 1284.

Dans le but de développer la prospérité du pays, de mettre fin aux difficultés, aux abus et incertitudes qui se produisent au sujet de l'exercice du droit de propriété par les étrangers dans l'Empire Ottoman, et de compléter, au moyen d'une réglementation précise, les garanties dues aux intérêts financiers et à l'action administrative, les dispositions législatives suivantes ont été arrêtées sur l'ordre de Sa Majesté Impériale le Sultan.

ARTICLE I.

Les étrangers sont admis, au même titre que les sujets Ottomans, sans autres conditions, à jouir du droit de propriété des immeubles urbains ou ruraux dans toute l'étendue de l'Empire, à l'exception de la province de l'Hédjaz, en se soumettant aux lois et réglements qui régissent les sujets Ottomans eux-mêmes, comme il est dit ci-après.

Cette disposition ne concerne point les sujets Ottomans de naissance qui ont changé de nationalité, lesquels seront régis en cette matière par une loi spéciale.

ARTICLE II.

Les étrangers, propriétaires d'immeubles urbains ou ruraux, sont en conséquence assimilés aux sujets Ottomans en tout ce qui concerne leurs biens immeubles.

Cette assimilation a pour effet légal:

1. De les obliger à se conformer à toutes les lois et à tous les réglements de police ou municipaux qui régissent dans le présent et pourront régir dans l'avenir la jouissance, la transmission, l'aliénation, et l'hypothèque des propriétés foncières.

2. D'acquitter toutes les charges et contributions, sous quelque forme et sous quelque dénomination que ce soit, frappant ou pouvant frapper par la suite les immeubles urbains ou ruraux.

3. De les rendre directement justiciables des tribunaux civils Ottomans, pour toutes les questions relatives à la propriété foncière, et pour toutes actions réelles, tant comme demandeurs que comme défendeurs, même lorsque l'une et autre partie sont sujets étrangers; le tout au même titre, dans les mêmes conditions, et dans les mêmes formes que les propriétaires Ottomans, et sans qu'ils puissent en cette matière se prévaloir de leur nationalité personnelle; mais sous la réserve des immunités attachées à leur personne et à leurs biens meubles, aux termes des Traités.

ARTICLE III.

En cas de faillite d'un étranger propriétaire d'immeubles, les syndics de sa faillite se pourvoiront devant l'autorité et les tribunaux civils Ottomans pour requérir la vente des immeubles possédés par le failli et qui, par leur nature et suivant la loi, répondent des dettes du propriétaire.

Il en sera de même lorsqu'un étranger aura obtenu contre un autre étranger propriétaire d'immeubles un jugement de condamnation devant les tribunaux étrangers.

Pour l'exécution de ce jugement sur les biens immeubles de son débiteur, il s'adressera à l'autorité Ottomane compétente afin d'obtenir la vente de ceux de ces immeubles qui répondent des dettes du propriétaire; et ce jugement ne sera exécuté par les autorités et tribunaux Ottomans qu'après qu'ils auront constaté que les immeubles dont on requiert la vente appartiennent réellement à la catégorie de ceux qui peuvent être vendus pour payer la dette.

ARTICLE IV.

Le sujet étranger a la faculté de disposer par donation ou par testament de ceux de ses biens immeubles dont la disposition sous cette forme est permise par la loi.

Quant aux immeubles dont il n'aura pas disposé ou dont la loi ne lui permet pas de disposer par donation ou testament, la succession en sera réglée conformément à la loi Ottomane.

ARTICLE V.

Tout sujet étranger jouira du bénéfice de la présente loi, dès que la Puissance de laquelle il relève aura adhéré aux arrangements proposés par la Sublime Porte pour l'exercice du droit de propriété.

Constantinople, le 18 *Juin,* 1867.

(Translation.)

Protocol.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Imperial Majesty the Sultan, being desirous to establish, by a special Act, the understanding arrived at between them with regard to the admission of English subjects

in Turkey to the right of holding real property, conceded to foreigners by the law promulgated under date of the 7th Sepher, 1284, have authorized—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency the Right Honourable Henry Elliot, Her Ambassador at Constantinople;

And His Imperial Majesty the Sultan, his Highness Fuad Pasha, his Minister for Foreign Affairs;

To sign the Protocol which hereinafter follows:—

PROTOCOL.

The law which grants to foreigners the right to hold real property does not in any way affect the immunities sanctioned by Treaties, which will continue to cover the person and the personal property of foreigners who may have become proprietors of real estate.

The exercise of such right of property being likely to induce foreigners to establish themselves in greater numbers in Ottoman territory, the Imperial Government deems itself bound to anticipate and prevent the difficulties to which the application of that law may give rise in certain localities. This is the object of the following arrangements.

The dwelling of every person inhabiting the Ottoman territory being inviolable, and no one being entitled to enter it without the consent of its master, unless in virtue of orders issued by the competent authority, and with the assistance of the magistrate or functionary invested with the necessary powers, the dwelling of a foreign subject is inviolable by the same right, in conformity with Treaties; and the officers of police cannot enter therein without the assistance of the Consul of the country to which the foreigner belongs, or of his delegate.

By the term dwelling is understood the house of residence and its appurtenances, that is to say, the out-houses, courts, gardens, and contiguous inclosures, to the exclusion of all other parts of the property.

In localities distant less than nine hours from the Consular residence, the officers of police cannot enter the dwelling of a foreigner without the assistance of the Consul, as above stated. On his part the Consul is bound to afford his aid immediately to the local authority, so that not more than six hours shall elapse between the moment when he shall have been apprized, and the moment of the departure of himself or of his delegate, in order that the action of the authorities may never be suspended for more than twenty-four hours.

In localities distant nine hours', or more than nine hours' journey from the residence of the Consular Agent, the officers of police may, on the requisition of the local authority, and with the assistance of three members of the Council of Ancients of the Commune, enter the dwelling of a foreign subject, without the presence of the Consular Agent, but only in case of urgency, and for the investigation or the proof of the crime of murder, of attempt to murder, of arson, of robbery with violence, or with housebreaking, or at night in an inhabited dwelling, of armed rebellion, and of the fabrication of false money; and whether the crime shall have been committed by a foreign subject, or by an Ottoman subject, and whether it shall have taken place within the habitation of the foreigner, or outside of such habitation, and in any other place whatever.

These arrangements are applicable only to those parts of the property which constitute the dwelling, as defined above. Beyond the dwelling, the action of the police shall be free and without reserve; but in case an individual accused of a crime or offence should be arrested, and the accused be a foreign subject, the immunities attaching to his person shall be observed with regard to him.

The functionary or officer charged with the performance of the domiciliary visit, under the exceptional circumstances above described, and the members of the Council of Ancients who shall assist him, shall be bound to draw up a Minute of the domiciliary visit, and to communicate it immediately to their superior authority, who shall himself transmit it without delay to the nearest Consular authority.

A special regulation shall be promulgated by the Sublime Porte, in order to determine the mode of action of the local police in the different cases above contemplated.

In localities distant more than nine hours from the residence of the Consular Agent, and in which the law relative to the judicial organization of the *vilayet* shall be in force, the cases of foreign subjects shall be tried, without the assistance of the Consular delegate, by the Council of Ancients fulfilling the functions of Judge of the Peace, and by the Court of the *Caza*, as well in actions the subject-matter of which shall not exceed 1,000 piastres, as in offences punishable by a fine not exceeding 500 piastres.

Foreign subjects shall, in all cases, have the right to appeal to the Court of the *Sandjak* against decisions given as above described; and the appeal shall be heard and decided with the assistance of the Consul, in conformity with Treaties.

An appeal shall always suspend execution.

In no case can the forcible execution of decisions given under the circumstances above described take place without the concurrence of the Consul or his deputy.

The Imperial Government shall issue a Law which shall determine the rules of procedure to be observed by the parties in the application of the foregoing arrangements.

Foreign subjects, in whatever place, are authorized to make themselves voluntarily amenable to the Council of Ancients, or to the Courts of the *Cazas*, without the assistance of the Consul, in actions the subject-matter of which does not exceed the competence of those Councils or Courts, saving, however, the right of appeal to the Court of the *Sandjak*, where the cause shall be heard and decided with the assistance of the Consul or his delegate.

The consent, however, of the foreign subject to submit to the jurisdiction above described, without the assistance of the Consul, must be given in writing, and previously to any proceeding.

It is well understood that all these restrictions do not concern suits involving a question of real property, which shall be carried on and decided under the conditions established by the Law.

The right of defence and of publicity of hearing are secured in all matters to foreigners who shall appear before the Ottoman Courts, as well as to Ottoman subjects.

The preceding arrangements shall remain in force until the revision of the ancient Treaties, a revision with regard to which the Sublime Porte reserves to itself to come hereafter to an agreement with friendly Powers.

In witness whereof the respective Plenipotentiaries have signed the present Protocol, and have affixed thereto the seal of their arms.

Done at Constantinople, the twenty-eighth day of July, in the year eighteen hundred and sixty-eight.

(L.S.) HENRY ELLIOT. (L.S.) FUAD.

Law granting to Foreigners the right to hold Real Property in the Ottoman Empire.

IMPERIAL RESCRIPT.

"Let it be done in conformity with what is herein contained."

Sepher 7, 1284.

With the view to develope the prosperity of the country, to put an end to the difficulties, abuses, and uncertainties which arise relative to the exercise of the right of property by foreigners in the Ottoman Empire, and to complete, by means of precise regulations, the guarantees due to financial interests and to administrative action, the following legislative arrangements have been determined by order of His Imperial Majesty the Sultan :—

ARTICLE I.

Foreigners are admitted, on the same footing as Ottoman subjects, and without other conditions, to the enjoyment of the right of holding urban or rural real property throughout the whole extent of the Empire, with the exception of the province of the Hedjaz, submitting to the laws and regulations which govern Ottoman subjects themselves, as hereinafter stated.

This arrangement does not concern Ottoman subjects by birth who have changed their nationality, and who shall be governed in regard to this matter by a special law.

ARTICLE II.

Foreigners who are proprietors of real property, urban or rural, are in consequence assimilated to Ottoman subjects in all that concerns their real property.

Such assimilation has for its legal effect :—

1. To oblige them to conform to all the laws and all the police or municipal regulations which at present govern, or may hereafter govern, the enjoyment, transmission, alienation, and hypothecation of landed property.

2. To pay all the charges and contributions, under whatever form or denomination, which are now or may hereafter be imposed on urban or rural real property.

3. To render them directly amenable to the Ottoman Civil Courts in regard to all

questions relative to landed property, and to all real actions, both as plaintiffs and as defendants, even when both parties are foreign subjects, the whole on the same footing, under the same conditions, and in the same forms as Ottoman proprietors, and without the power of availing themselves in such matters of their personal nationality; but under the reservation of the immunities attaching to their persons and their personal property, according to the terms of Treaties.

ARTICLE III.

In case of the bankruptcy of a foreign owner of real property, the syndics of his bankruptcy shall take the necessary steps before the Ottoman authorities and Civil Courts, in order to demand the sale of the real property possessed by the bankrupt, which, from its nature and in accordance with the law, is liable for the debts of the owner.

The same course shall be observed when a foreigner shall have obtained against another foreign proprietor of real property an adverse judgment before foreign Courts.

For the execution of such judgment on the real property of his debtor, he shall apply to the competent Ottoman authority in order to obtain the sale of such part of that real property as is liable for the debts of the owner; and such judgment shall not be carried into execution by the Ottoman authorities and Courts until after they shall have ascertained that the real property which is required to be sold really belongs to the class which may be sold in order to pay the debt.

ARTICLE IV.

The foreign subject has the right to dispose by gift or by will of such part of his real property as the law permits to be disposed of in that manner.

With regard to the real property which he may not have disposed of, or which the law does not allow to be disposed of by gift or by will, the succession thereto shall be governed by the Ottoman law.

ARTICLE V.

Every foreign subject shall enjoy the benefit of the present Law, so soon as the Power to which he belongs shall have acceded to the arrangements proposed by the Sublime Porte for the exercise of the right of property.

Constantinople, June 18, 1867.

manique serait, selon sa conviction, se départir du principe de solidarité constante qui en forme la base, et qui a toujours été le regulateur de la conduite du Gouvernement Grand-Ducal.

Le Soussigné en priant Mr. Arthur Magenis de vouloir bien porter le contenu de la présente note à la connaissance du Gouvernement de Sa Majesté, profite avec plaisir de cette occasion, &c.

(Signé) B^N. RUDT.

Annex S.

Identical Replies of the Grand Dukes of Mecklenburgh-Schwerin and Mecklenburgh-Strelitz.

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*Count Bulow to Lord Bloomfield.**

Schwerin, le 10 *Janvier*, 1853.

LE Soussigné, Président du Conseil et Ministre des Affaires Etrangères, &c., a eu l'honneur de recevoir la note du 27 Novembre dernier par laquelle son Excellence Lord Bloomfield, &c., a bien voulu lui communiquer le Traité conclu à Londres le 8 Mai, 1852, dans le but d'assurer l'intégrité de la Monarchie Danoise, et inviter le Gouvernement du Grand Duc à y accéder.

Le Soussigné n'a pas manqué de placer ces documents sous les yeux du Grand Duc son auguste Maître, qui après en avoir pris connaissance avec tout l'intérêt que l'importance de cette communication mérite l'a chargé de la réponse suivante.

Son Altesse Royale ne saurait méconnaître les motifs généreux qui ont dû engager les Puissances signataires de cette Acte à s'occuper dans un intérêt tout Européen de la solution d'une question qui, dans un avenir plus ou moins rapproché, aurait pu amener des difficultés et même devenir un sujet de troubles pour le Nord de l'Europe. Elle se plait à reconnaître dans cet Acte un nouveau témoignage de la sollicitude que les Grandes Puissances placés à la tête du concert Européen ne cessent de vouer, dans l'accomplissement de leur haute vocation, au maintien de leur tranquillité générale, en ayant soin d'écarter d'avance tout ce qui pourrait en compromettre la durée.

Son Altesse Royale n'est pas moins sensible au procédé obligeant du Gouvernement de Sa Majesté la Reine de la Grande Bretagne, qui a bien voulu lui donner connaissance du dit Traité et lui faire l'honneur de l'engager à y accéder.

Cependant en examinant consciencieusement à quel titre le Grand Duc doit se voir appelé à participer à cet Acte d'une portée Européenne, Son Altesse Royale a cru devoir prendre en considération avant tout sa position comme membre de la Confédération Germanique.

Cette position lui semble impliquer le devoir de ne pas se prononcer par une déclaration isolée dans une affaire qui intéresse la totalité de la Confédération et dans laquelle le Grand Duc pour sa part se trouve principalement intéressé dane sa qualité de membre du Corps Germanique.

Toute démarche isolée semblerait à Son Altesse Royale une déviation du principe de solidarité qui forme la régle immeuble de la conduite du Gouvernement Grand-Ducal dans toutes les questions politiques qui peuvent toucher les interêts généraux de la Confédération.

C'est par suite de ces considérations que Son Altesse Royale le Grand Duc croit devoir s'abstenir de procéder à une accession formelle au Traité conclu à Londres, tout en regrettant vivement que ces considérations l'empêchent de répondre aux intentions bienveillantes que les Cours signataires du dit Traité ont bien voulu lui témoigner en cette occasion.

En priant son Excellence Lord Bloomfield de vouloir bien porter le contenu de cette note à la connaissance du Cabinet Royal, le Soussigné, &c.

(Signé) COMTE DE BULOW.

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* The despatch from M. de Bernstorff to Lord Bloomfield was dated Neu Strelitz, January 13, 1853.

DENMARK.

Accessions to the Treaty of London of May 8, 1852, relating to the Succession to the Danish Crown.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

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